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ESTABLISH A JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

S. 1364

TO ESTABLISH A JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

AUGUST 3, 1989
WASHINGTON, DC

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CONTENTS

Page

S. 1364, text of 4

Statements:

- Brown, Eddie, Assistant Secretary for Indian Affairs, Department of Interior, Washington, DC 19
- Case, David, attorney, Anchorage, AK 48
- Fate, Mary Jane, cochair, Alaska Federation of Natives, Fairbanks, AK 39
- Gouwens, Kay, special assistant attorney general, Office of the Governor of Alaska, Washington, DC 25
- Hotch, Johanna, board of directors, Klukwan, Inc., Klukwan, AK 45
- Inouye, Hon. Daniel K., U.S. Senator from Hawaii, chairman, Select Committee on Indian Affairs 1
- Kitka, Julie, staff member, Alaska Federation of Natives 41
- Mayo, Will, special assistant to the president, Tanana Chiefs Conference, Fairbanks, AK 28
- McNeil, Chris, executive vice president and general counsel, Sealaska Corp., Seattle, WA 34
- Miller, Lloyd, attorney, Sonosky, Chambers, Sachse, and Miller, Anchorage AK 51
- Murkowski, Hon, Frank H., U.S. Senator from Alaska 16
- Stitt, Richard, Central Council of Tlingit and Haida Tribes of Alaska; grand camp president, Alaska Native Brotherhood, Juneau, AK 33
- Vaska, Tony, Association of Village Council Presidents, Bethel, AK 31
- Warren, Ed, board of directors, Klukwan, Inc., Klukwan, AK 46

Prepared statements:

- Brown, Eddie 64
- Cass, David (with attachments) 103
- Gouwens, Kay 67
- Hotch, Johanna 100
- Hotch, Jones P., vice president, Chilkat Indian Village 102
- Ivanoff, Henry, chairman Alaska Federation of Natives 91
- MacLean, Hon. Eileen P., State representative 59
- Mayo, Will 70
- McCain, Hon. John, U.S. Senator from Arizona, vice chairman, Select Committee on Indian Affairs 57
- McNeil, Chris 88
- Miller, Lloyd (with attachments) 116
- Stevens, Hon. Ted, U.S. Senator from Alaska 58
- Stitt, Richard 84
- Vaska, Tony 76

Additional material submitted for the record:

- Alaska Federation of Natives, letter and response to Eddie Brown 129
- Bering Straits Native Corp., resolution 132
- Bristol Bay Area Health Corp., letter 133
- Bristol Bay Native Association, telegram 135
- Calista Corp., Johnny T. Hawk, president and chief executive officer and Mike Neimeyer, vice president, letters 136
- CARE, letter 139
- Cook Inlet Region, Inc., telegram 140
- Eklutna, Inc., letter 141
- Kelly, Hon. Tim, State senator, letter and resolution 142
- Kodiak Area Native Association, telegram and letter 146
- Kwethluk IRA, resolution 149
- Northwest Artic Borough, Chuck Green, mayor, letter 150
- Norton Sound Health Corp., resolution 152
- Orutsararmuit Native Council 153

ESTABLISH A JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES

THURSDAY, AUGUST 3, 1989

U.S. Senate,
Select Committee on Indian Affairs,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m., in room 485, Russell Senate Office Building, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senators Inouye and Murkowski.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

The Chairman. Good morning and welcome to this hearing of the Select Committee on Indian Affairs.

This morning marks what I hope proves to be a momentous occasion for the native peoples of Alaska, because for too long their concerns have received very little attention from the American public and the Congress and the Executive Branch.

And so, we gather here this morning to take the first step in identifying solutions that hopefully will begin to stem the tide in trends of alcoholism, suicide, depression, and despair in the Alaska Native population.

Fourteen years ago, this Congress initiated an action that is similar to the action we take today, in authorizing the establishment of the American Indian Policy Review Commission.

That commission presented its report to the Congress in July 1977, and today, we can point to a record of accomplishment in terms of implementation of the commission's recommendations that is not only impressive, but perhaps unequalled.

It is because of the American Indian Policy Review Commission's recommendation that we have a Select Committee on Indian Affairs today to consider this bill.

Many of the hundreds of legislative initiatives that have been acted upon by this committee over the last 12 years are the direct results of the findings and recommendations of this Indian Commission.

So I must take exception with the Administration's view that "commissions and studies do not solve the problems that they are created to address."

The American Indian Policy Review Commission was not a joint Federal-State commission, but rather a joint commission of the

Congress, with three Members from the House of Representatives, three Members from the Senate, and five representatives of Indian Country, including a representative from Alaska, Commissioner John Borbridge.

Although the Commission's work did not focus in depth on Alaska native issues, the Commission's recommendations formed the basis for the enhancement of Federal program efforts in Alaska, so again I must take issue with the Administration's position.

The Commission's work in Alaska was a good start, but my recent visits to Alaska native villages convinced me that there is much which remains to be done. Much of the housing I saw in native villages would be substandard in more even-temperate climates, and are designed in such a way as to provide a daily threat to the lives of its occupants.

Safe water and sanitation systems are badly needed. Most Americans, I believe, would be shocked to know that they have brothers and sisters in this country who must secure their drinking water from sources in which raw, untreated sewage is dumped.

Most Americans do not have to rely on a health care system in which the only health aides within hundreds of miles have an average of 10 weeks of health care training. Most Americans rely on the educational system to provide quality education to their children. They do not, as many Alaskan natives have to do, have to pursue remedial education upon graduation from high school because of the quality of education that is being provided in village high schools.

I commend the administration for seizing the initiative to suggest a cross-agency task force to address the problems identified in the report of the Alaska Federation of Natives. These actions, if aggressively pursued, indicate to me that there is a recognition in the Administration that there are problems which are not being addressed.

I hope that this same enthusiasm will characterize the Federal participation in the work of this commission. These efforts can complement one another. Certainly no one can deny that there is much to be done, and enough work to go around.

There is another concern expressed that I believe stems from perhaps a lack of clarity in the bill, that the cost of the Commission would be prohibitively expensive. These are the words of the Administration—given 14 GS-18 level positions for the 18-month Commission.

However, these positions are compensated only at times the Commission meets, and do not represent full-time salaried positions over the course of 18 months.

I want to conclude by emphasizing the importance with which I hold the mission of this commission proposal, and the need for its work to begin as soon as possible, by indicating that last week, Senator Stevens and I offered an amendment to the Interior Appropriations Bill for fiscal year 1990, that would set aside funds for the Commission's work, just as soon as the bill is signed into law.

I am advised that the Governor of the State of Alaska has made a similar commitment of funding to ensure the commission's immediate start-up.

So, let us begin the task that lies ahead of us, so that the native people of Alaska can secure a promise for the future generations of Alaska native children that they and their children will one day soon enjoy the same quality of life that is afforded to other Americans in this country.

[Text of S. 1364 follows:]

II

101st CONGRESS
1st Session

S. 1364

To establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

IN THE SENATE OF THE UNITED STATES

July 20 (legislative day, January 3), 1989

Mr. Murkowski (for himself, Mr. Stevens, Mr. Inouye, and Mr. McCain) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

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A BILL

To establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

Section 1. (a) The Congress has conducted a preliminary review of the social and economic circumstances of Alaska Natives and of governmental policies and programs affecting Alaska Natives and finds that—

(1) in this period of rapid cultural change, there is, among Alaska Natives, a growing social and economic crisis characterized by, among other things, al-

cohol abuse and violence, grave health problems, low levels of educational achievement, joblessness, a lack of employment opportunities, and a growing dependency upon transfer payments;

(2) these conditions exist even though public policies and programs adopted in recent decades have been intended to assist Alaska Natives in protecting their traditional cultures and subsistence economies and in encouraging economic self-sufficiency and individual, group, and village self-determination; and

(3) Alaska Natives and the State of Alaska have expressed a need for a review of public policies and programs and a desire to make such policies and programs more effective in accomplishing their intentions.

(b) The Congress hereby declares that it is timely and essential to conduct, in cooperation with the State of Alaska and with the participation of Alaska Natives, a comprehensive review of Federal and State policies and programs affecting Alaska Natives in order to identify specific actions that may be taken by the Congress and the State of Alaska to help assure that public policy goals are more fully realized among Alaska Natives.

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The term "Alaska Native" has the same meaning given to the term "Native" under section 3(b)

of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(2) The term "Commission" means the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

ESTABLISHMENT OF THE COMMISSION

SEC. 3. (a) There is hereby established a commission to be known as the "Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives".

(b)(1) The Commission shall consist of the following members:

(A) seven individuals appointed by the President, at least three of whom shall be Alaska Natives and not more than two of whom may be officers or employees of the Federal Government,

(B) seven individuals appointed by the Governor of the State of Alaska,

(C) the President of the Senate of the State of Alaska or a designated representative of such President,

(D) the Speaker of the House of Representatives of the State of Alaska or a designated representative of such Speaker,

(E) the chairman of the Select Committee on Indian Affairs of the Senate or a designated representative of such chairman,

(F) the ranking minority member of the Select Committee on Indian Affairs of the Senate or a designated representative of such member,

(G) the chairman of the Committee on Energy and Natural Resources of the Senate or a designated representative of such chairman,

(H) the ranking minority member of the Committee on Energy and Natural Resources of the Senate or a designated representative of such member,

(I) the chairman of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such chairman,

(J) the ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives or a designated representative of such member, and

(K) each Member of Congress who represents the people of the State of Alaska or a designated representative of such Member.

(2) The Commission shall hold its first meeting by no later than the date that is 30 days after the date on which all members of the Commission who are to be appointed have been appointed.

(3) Each member of the Commission who is appointed to the Commission under subparagraph (A) or (B) of paragraph

(1) shall be entitled to one vote which shall be equal to the vote of every other member of the Commission who is appointed to the Commission under subparagraph (A) or (B) of paragraph (1). The members of the Commission described in a subparagraph of paragraph (1) other than subparagraph (A) or (B) shall be ex officio, nonvoting members of the Commission.

(4) An individual who is a voting member of the Commission may be removed from the Commission by the person who appointed such individual only for neglect of duty or malfeasance in office.

(5) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(6) At the time appointments are made under paragraph (1), the President shall designate an individual appointed under paragraph (1)(A) to be co-chairman of the Commission and the Governor of the State of Alaska shall designate an individual appointed under paragraph (1)(B) to be the other co-chairman of the Commission.

(7) Seven voting members of the Commission shall constitute a quorum for the transaction of business.

(8) The Commission may adopt such rules (consistent with the other provisions of this Act) as may be necessary to

establish its procedures and to govern the manner of its operations, organization (including task forces), and personnel.

(c)(1) Each member of the Commission not otherwise employed by the United States Government or the State of Alaska shall receive compensation at a rate equal to the daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the Commission.

(2) Except as provided in paragraph (3), a member of the Commission who is otherwise an officer or employee of the United States Government or the State of Alaska shall serve on the Commission without additional compensation.

(3) All members of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or their regular place of business, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(d) Notwithstanding the other provisions of this Act, no individual appointed to the Commission by the Governor of the State of Alaska under subsection (b)(1)(B) shall participate in the proceedings of the Commission, vote on business of the Commission, or receive any compensation or expense reimbursement under this Act until the State of Alaska and the Federal Government have concluded an equitable agreement to share the expenses incurred by the Commission. In the event that such an agreement is not reached within a reasonable period of time, the members of the Commission described in any subparagraph of subsection (b)(1) other than subparagraph (B) shall proceed with the work of the Commission without the participation of the individuals appointed under subsection (b)(1)(B) and the quorum required for the transaction of the business of the Commission shall be 4 members of the Commission appointed under subsection (b)(1)(A).

DUTIES

SEC. 4. The Commission shall—

(1) conduct a comprehensive study of—

(A) the social and economic status of Alaska Natives, and

(B) the effectiveness of those policies and programs of the Federal Government, and of the State of Alaska, that affect Alaska Natives,

(2) conduct public hearings on the subjects of such study,

(3) recommend specific actions to the Congress and to the State of Alaska that—

(A) help to assure that Alaska Natives have life opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives,

(B) address, among other things, the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduced incidence of social problems,

(4) make every effort in developing those recommendations to respect the important cultural differences which characterize Alaska Native groups, and

(5) submit, by no later than the date that is 18 months after the date of the first meeting of the Commission, a report on the study, together with the recommendations developed under paragraph (3), to the President, the Congress, the Governor of the State of Alaska, and the legislature of the State of Alaska.

POWERS

SEC. 5. (a)(1) Subject to such rules and regulations as may be adopted by the Commission, the co-chairmen of the Commission shall have the power to—

(A) appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director of the Commission and of such other personnel as the co-chairmen deem advisable to assist in the performance of the duties of the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(B) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch, but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of such General Schedule.

(2) Service of an individual as a member of the Commission, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as

a member of the Commission, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(b) The Commission is authorized to—

(1) hold such hearings and sit and act at such times,

(2) take such testimony,

(3) have such printing and binding done,

(4) enter into such contracts and other arrangements,

(5) make such expenditures, and

(6) take such other actions,

as the Commission may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(c) The Commission is authorized to accept gifts of property, services, or funds and to expend funds derived from sources other than the Federal Government, including the State of Alaska, private nonprofit organizations, corporations, or foundations which are determined appropriate and necessary to carry out the provisions of this Act.

(d) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this section.

(e)(1) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Federal Government such information as the Commission may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by a co-chairman of the Commission.

(2) Upon request of a co-chairman of the Commission, the head of any Federal department, agency, or instrumentality shall make any of the facilities and services of such department, agency, or instrumentality available to the Commission and detail any of the personnel of such department, agency, or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

TERMINATION

SEC. 6. The Commission shall cease to exist on the date that is 180 days after the date on which the Commission submits the report required under section 4(5). All records, documents, and materials of the Commission shall be transferred to the National Archives and Records Administration on the date on which the Commission ceases to exist.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) There are authorized to be appropriated to the Commission such sums as are necessary to carry out the provisions of this Act. Such sum shall remain available, without fiscal year limitation, until expended.

(b) Until funds are appropriated under the authority of subsection (a), salaries and other expenses incurred by the Commission shall be paid from the contingent fund of the Senate upon vouchers approved by the co-chairmen of the Commission. The total amount of funds paid from such contingent fund shall be reimbursed to such contingent fund from funds appropriated under the authority of subsection (a).

○

The **Chairman**. It is now my pleasure to call upon my distinguished colleague from Alaska, Senator Murkowski.

STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator **Murkowski**. Thank you very much, Mr. Chairman.

I want to thank you for scheduling this hearing today. I think it is noteworthy in the hours that are upon us as we attempt to get much of the business of the Senate resolved before the recess that you were able to accommodate our Alaskans that are down here today.

We are most appreciative.

I also want to thank the professional staff who have worked so hard in developing the agenda for today's meeting, particularly Bob Arnold, who has done so much work on this, and is well-known to all the Alaskans.

In holding the hearing now, Mr. Chairman, we begin the task of obtaining the input and the comments on the bill early in the legislative process, which is, of course, most appropriate.

As a result, the prospects for early establishment of the proposed joint commissions are very much increased, in my opinion.

I also want to, of course, acknowledge and give a very special welcome to all the many Alaskans who have traveled a great distance to be here. I know the rigors of travel. A trip down here can take your whole day or your whole night, depending on your point of view, and take a portion of the next day as well, as you know, Mr. Chairman. It is a long haul.

It was testimony that we heard in March and May of this year that led us to the framing of the bill that we have before us today. What we learned and what we heard in the descriptions and the documentation, I think, were highlighted in your statement this morning.

Conditions among Alaska's natives are contributing to the higher rates of suicide, alcohol abuse, related mortality, and that more generally told, the social and economic circumstances among natives, especially in the rural areas, have become real limitations on their very life opportunities.

The joint commission that would be established by this bill would have as its goal the improvement of life opportunities for Alaskan natives while respecting the cultural and special status which they hold as keepers of their land.

It would pursue this goal by analyzing issues, holding public hearings, getting input from the people, appointing specific task forces, and developing recommendations for action by the Congress and the State.

I think that is most important, Mr. Chairman, because the implication of having the input from the people who understand what is needed and what changes are made, and communicating that, makes them very much a part of the process, as opposed to much of the traditional dictate that has come from the BIA and other agencies in their mandate to have uniformity among native people.

As we know, Mr. Chairman, things are different in your State. They are different in my State. I feel that in doing so, in the sense of establishing the parameters by having the input of the people which you so graciously encouraged through your own presence in Alaska on two occasions, and the extensive travel which you have done in rural Alaska, has given you an opportunity to better appreciate and I think has given our rural people in Alaska a better understanding of your sensitivities, and the realization that by this cooperative, two-way communication, they can have a positive input in the legislative process.

I think that as a consequence, as we seek to address the needs of Alaska's native people, what we are looking at really is economic self-sufficiency. That is brought about by self-determination—improved levels of educational achievement, health status, as you have mentioned, and the reduced incidence of social problems.

The bill is explicit in authorizing the appointment of a task force that would gather the information, develop the proposals for change. I have made it explicit, because I expect the task forces to be a means of obtaining broad and direct involvement of additional Alaska natives in the work of the Commission. That is the whole idea.

Now, there are 14 voting members of the Commission that would make up slightly more than half of the Commission's whole membership. There would also be an ex officio member consisting of the Chairman and ranking minority members of the Congressional committees having jurisdiction over native issues, the Alaska Delegation, the presiding officer from both the houses of the Alaska Legislature.

My bill envisions appointment by the voting members, by the president and the Governor of Alaska, requiring the President to appoint at least three Alaska Natives.

We did not think that it would be proper to set out such a requirement for the Governor, but hoped that he would also appoint at least three Alaska Natives.

If he should do so, nearly half of the voting membership then would be Alaska's Native people.

I recognize there are some differences of opinion among Alaskans as to how this should be structured. The point of this hearing is to have your input and recommendations, and specifically, if you have positive recommendations on a better way to truly represent the broad interests of Alaska's diverse native communities, why, this committee would like to have that input.

Since full participation by natives in the work of the Commission is critical, the means of assuring such participation becomes a matter of much discussion in shaping the bill. I want you to know that I particularly welcome your testimony on this point.

Returning to the commission's work very briefly, 18 months after its first meeting, the report of the commission would be submitted to both the Federal and State Governments, and approximately 6 months later, it would no longer exist.

But by having engaged Federal and State lawmakers in the commission's report and its work, its recommendations would become, we would hope, a legislative agenda for policy and program changes.

Mr. Chairman, in the short time that has elapsed since this bill was introduced, we have received numerous letters, telegrams and support from various regional corporations, including Cook Inlet, Bristol Bay, Calista, Kodiak Area Native Association, and others.

In addition, I have received a statement of support for the bill from the State representative, Eileen MacLean of Barrow. I would ask that these statements be placed into the record at this time.

The Chairman. Without objection, so ordered.

[Prepared statement of Hon. Eileen MacLean appears in appendix.]

[Other materials appear in appendix.]

Senator Murkowski. Thank you, Mr. Chairman.

Further, the Kodiak Nonprofit Corporation has also recommended certain changes that will be described by witnesses this morning.

Now, I have learned, also, that the BIA does not or may not support the establishment of the Joint Commission. I am disappointed. I will not say I am astonished. I will not say I am surprised. I will not say that this necessarily hinders the bill.

Now that I will not say any of the things that I have said, I will conclude by indicating that I feel the idea of a joint commission such as we have proposed has come not from us but from Alaska's native community. I believe it has wide support among Alaska's native community.

They may want to see some changes, and that is why we are holding this hearing today, Mr. Chairman. That is ~~what~~ we are going to learn today. But I believe that they see that we have a properly established foundation, an appropriately funded vehicle in the commission, and I think that is important as a first step.

Mr. Chairman, I announced my support for the creation of a joint commission at the first hearing, and renewed it at the hearing in Anchorage.

As I said then, improvement of the life circumstances will require a collaborative effort between the Federal and State Governments, each of which has responsibilities to Alaska's natives, and with Alaska's Natives themselves. The joint commission can be the forum for this collaborative effort.

Mr. Chairman, I want to thank you again. I want to thank the senior Senator, of course, Senator Stevens, for the joint help that both of you initiated in funding the joint commission through the authorization process. I refer to your successful efforts in obtaining a set-aside of $300,000 for the first year's Federal share of the cost of the joint commission.

I commend you for your achievement. I would like to remind those Alaskans in the audience that at some point in time this morning, we are going to take up on the floor the oil spill legislation. Both Senator Stevens and myself will be on the floor at that time.

Again, Mr. Chairman, thank you.

The Chairman. I thank you very much, Senator Murkowski.

I have just received word from Senator Stevens that he is doing everything possible to be here in a timely fashion. After all, he is a co-author of this measure. But he will be here at some later time.

There is some emergency that requires his presence. As you are aware, he is a senior member on all defense matters in the United States Senate.

So, now it is my pleasure to call upon the new Assistant Secretary for Indian Affairs of the United States Department of Interior, Dr. Eddie Brown.

Dr. Brown, it is good to see you, sir.

STATEMENT OF HON. EDDIE BROWN, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF INTERIOR, WASHINGTON, DC, ACCOMPANIED BY JOSEPH DONAHUE, ALASKA COORDINATOR

Dr. Brown. Good morning.

Mr. Chairman and members of the committee, I want to thank you for inviting me here this morning to give you the Administration's view on S. 1364, a bill to establish a joint Federal-State commission on policies and programs affecting Alaska Natives.

I respectfully ask that the Administration's prepared statement be made a part of the record.

The Chairman. Without objection, so ordered.

Dr. Brown. And I will summarize it in my opening remarks.

Let me begin by saying that we support the concept of S. 1364, and that I share the concerns of this committee on the need to review public policies and programs and the desire to make them more effective.

I also believe that it is incumbent upon all of us, when faced with this kind of alarming statistics on Alaska Natives to support unique and innovative solutions to addressing those problems.

I am a firm believer that cooperative solutions, developed at the local level, are the best way to deal with local problems.

Now, while we are in support of the partnership approach in reviewing the problems of Alaska Natives, and developing solutions that are contained in S. 1364, we believe that a commission is not the proper vehicle to address the problems. Therefore, we cannot support S. 1364.

In general, the Administration has found that commissions and their studies are not the most effective way to solve problems that they have been created to address, and commonly are the most costly way to attempt to reach solutions.

Now, in light of this, and in conjunction with the most recent Presidential objective to reform the delivery of key social and financial resources to Native Americans, I would like to offer an alternative approach in line with this Administration's commitment to addressing the long-standing social and economic problems with Alaska Natives.

We propose the formation of a Cabinet-level cross-agency task force, with participation composed of appropriate Federal agencies working in partnership, concert and full consultation with the Governor of the State of Alaska and three representatives selected by the Alaskan Natives.

The task force would immediately review all existing and draft studies relating to policies and programs serving Alaskan Natives to determine the currency, validity and relevancy of their finding.

The task force would further make sure that the data, and particularly the problems identified in these studies are still current, and if they are not current, develop a process to collect more current data, and then to perform a complete analysis and then develop concrete recommendations.

We believe that this approach would be a more efficient and economic resolution to the pressing problems.

Secretary Lujan of the Department of Interior stands ready to immediately contact his counterparts in the cabinet to set the Federal portion of this group in motion.

Now, in closing, let me just say that I stand ready to work with this committee, the State of Alaska, the Congressional offices of Alaska, and particularly the Alaska Natives in addressing these most pressing needs.

This completes my summation of my prepared testimony. Again, I thank you for the opportunity to testify. In anticipation of questions that the committee may have, I would like to ask Mr. Joe Donahue, the Bureau's Alaska coordinator, to join me at the table, if I may.

[Prepared statement of Dr. Brown appears in appendix.]

The CHAIRMAN. Please do so.

Thank you very much, Dr. Brown.

I am well aware that your commitment is complete, your dedication has been tested. But I am also aware that your statement has to be cleared by the Secretary and also by the Office of Management and Budget.

Mr. Secretary, I have been in the Congress for nearly 30 years, and during this period, I have been involved directly in two commissions, and indirectly on one. So I cannot speak for all commissions. I realize we have had hundreds of commissions.

The first was the statehood for Hawaii Commission. As far as I am concerned, it was not a waste of time. I am sitting here as Chairman of this committee as a result of that commission.

Second, recently together with my Alaska colleagues, we introduced a measure to provide redress for those Americans in Alaska and the lower 48 who found themselves unlawfully and unconstitutionally incarcerated during World War II. This commission also came forth with results, and today we are in the process of providing appropriations towards this end.

The other commission was the Commission on Hawaiians. We are presently in that process. And so, as far as this Senator is concerned, it has not been a waste of time.

I concur with you that the matter of the budget and the cost are very important. But ever since becoming chairman of this committee, and especially since visiting Alaska, I have become sensitized whenever I see the word "Alaska" or "Alaska Natives". Therefore, I watched, for example, the 8 solid days of prime-time news reporting on the 3 whales.

A whole Nation was glued to that screen. We were concerned about the three whales. We spent millions of dollars to rescue the three whales. We sent huge KC-135s there, huge equipment that cost millions of dollars to transport.

The President of the United States picked up his telephone to call in words of encouragement. While all this was happening, nothing was being said about the natives.

I just calculated that if we had spent 1 day's dollars that we spent on the whales, those dollars would have provided a communications link for all the Arctic Circle native villages. Today, these villages, if they are lucky, will have a visit from a physician once a year.

They have these health care personnel with 5 to 10 weeks of training. While I was there, my prayer was, "Please, I do not want to get sick out there." There are no physicians.

There are no roads, as you know. The only way you can communicate is very expensive.

In the oil spill, it sounds cynical as hell, but the only way Alaska got attention was whenever you had a poor sea otter covered with oil.

Now, something is wrong when we consider sea otters more important than people. Believe me, I love sea otters. My record on the environment, I think, is pretty good.

But I think homo sapiens are just as important as sea otters. Homo sapiens is just as important as whales. This commission is the proper vehicle because if you have a Cabinet type activity, it will get lost in the bureaucracy.

If it was strictly a State-type commission, there will be discussion among themselves. This matter must be discussed by the Nation.

People in Pocatello, Idaho; people in Hattiesburg, Mississippi; people in Bangor, Maine have to be advised, and your agency, this so-called intra-agency, will never get the message across.

We should embarrass Americans. Are you still against the commission?

And incidentally, if the Nation is going to rise or fall with the hiring of part-time GS–18s, then we are in bad shape. We are in really bad shape.

I would hope and believe that the Native Americans of Alaska are worth more than 14 part-time GS–18s. In fact, I am ready to go to some foundation to pick up the tab, if only to embarrass the Government of the United States.

But I think this is a national effort. It should be, and I hope you will get the message back to the administration that this was one activity we would hope would have been supported by the administration.

This is so easy to support. This is what we call a people's commission. But apparently the administration is more concerned about the bottom line. The bottom line in this country are not dollars, the bottom line are people.

I have just received word from Senator Stevens that he would like to have his statement read into the record at the appropriate point. I will exercise that honor.

He has three hearings this morning, and all very important to his constituents, and he has to be in attendance there.

I have no questions, Mr. Secretary. Just my words of frustration, that is all.

But I am not against you, because I know you too well. You are a good soldier, and we expect you to be one.

Senator Murkowski.

Senator **Murkowski**. Thank you, Mr. Chairman.

I think it is fair to point out that OMB has a certain obligation to address funding on any new proposal before the Congress.

I do not recall, Mr. Chairman, in my experience over the last nine years—I cannot recall when OMB has approved anything. You have been here much longer than I—have you?

The CHAIRMAN. Well, they did not oppose the use of valuable funds for the high profile rescue of the three whales.

I did not see OMB screaming about the use of monies at that time.

What I am just trying to say is that I would hope that the people of the United States, after listening to the facts as presented by this commission will conclude that maybe homo sapiens are just as important as whales.

In Alaska, they are the truly endangered ones, not the whales.

Senator MURKOWSKI. I think you have made the point, Mr. Chairman.

But I think it is a sobering reality, whether we reflect on the whales or the sea otter or the spotted owl, or the snail darter, or I think there is a woodpecker down in Louisiana that also has a little problem with the timbered areas. Senator Ben Johnson has some concern over that. But we have—probably OMB did not have an opportunity to prejudge the significance of the whales, but nevertheless, it does cause us to wonder where we sit in the relative relationship of where the priorities are. But we could spend an awful lot of time discussion that.

I think it is fair to say that the Assistant Secretary is obviously in a position where, when OMB comes down with a directive, why, that is a directive, and it is appropriately communicated, and I want to indicate to you, Mr. Assistant Secretary, that I certainly understand.

One has to reflect on the potential savings of the creation of a commission such as this, and what ultimately it is designed to do, and what ultimately it can save the Federal Government, and many aspects associated with the rehabilitation and the ability of the Alaskan native people to address their own problems.

But nevertheless, that is not an appropriate evaluation for OMB, and that savings is not and should not be included.

I appreciate your willingness to look at the technical objections, which you have. The indication that the $300,000 could be better spent assisting natives—I am wondering if you have a specific recommendation as to how that $300,000 could be better spent, as opposed to the potential underwriting of this commission.

I would also like to point out one thing too, Mr. Chairman. It is important to note that the native community is not just coming in here and asking for $300,000 to establish a commission. This is a matching fund. The State, as a precondition, has to come in with $300,000.

If the State does not come in with $300,000, this is not going to go anywhere. So, in the spirit, I think, of the new realization that this is not a bottomless well here, and that funding is occurring on a matching basis in virtually every phase, whether it be rivers and harbors and various other Federal participation, in the spirit, the proposal is structured to have State funding equal to Federal funding, plus the availability of private funding.

So, this is not the request for a dole, given the range of opportunities to help the people helping themselves. I am wondering, Mr.

Secretary, if indeed in the manner in which this has been presented as matching funds that you feel there might be a better way to spend $300,000 assisting the native people.

My question specifically is, if that is the case, we would be interested in hearing your opinions as to how it could be better spent.

Dr. **Brown**. Senator, my response to that is $300,000 clearly, when one looks at the tremendous need, which you are well aware of, in Alaska—one must begin to ask themselves what is the quickest return, how can we best address those tremendous needs anywhere from the emergency needs of the tanker incident to the current needs in regard to Alaskan natives that identify strongly a mental health component in regards to—I will not go into it. You know the statistics better than I do in regards to that.

But clearly, when we talk about the use of dollars, the point that we are trying to make here is that there are some very immediate needs in Alaska that need to be addressed in very concrete kinds of services and direction, and what the statement there was, perhaps those $300,000 could be best spent in direct service to local native villages.

Senator **Murkowski**. What is the budget of the BIA?

Dr. **Brown**. The budget currently, right now, depending on how you look at it, is just over $1 billion.

Senator **Murkowski**. And this proposal would come out of the BIA budget, is that correct?

Dr. **Brown**. The $300,000?

Senator **Murkowski**. Yes.

Dr. **Brown**. It is my understanding that it does not, that it would come out of—and I am talking off the top of my head here—the $300,000, I think, is appropriated to come out of IHS.

Senator **Murkowski**. Okay, well, the record will remain open. I believe it would come under IHS, because it would be in the area of health.

Does anybody of the professional staff care to comment on that? If not, we would assume that that is where it would come from—the IHS budget.

Well, what do you think of the concept of matching funds as a premise or a prerequisite? I would suggest it be a prerequisite of proposals, new proposals being developed by America's Native American community, and the idea that they should help themselves through their own efforts to generate participating funds.

Is that not somewhat a departure from the traditional norm of Native America, where in many cases, it is strictly Federal funding?

Dr. **Brown**. That is true, Senator.

I think that you are finding, however, more and more— whether it is Alaskan natives or tribal governments in the Lower 48—where tribes are taking a greater interest and taking a stronger role and committing themselves to put dollars up.

I am in no way taking away from that, and I have no intention of talking about local input, participation and involvement. Indeed, as I stated earlier, that is a necessary requirement, I believe, in order to most seriously address those kinds of local needs.

We would support that under any alternative, in regards to the alternative that we are talking about, and in regards to the State of Alaska, the involvement of Native Alaskan villages. If there were opportunities in which people could come and provide support, resources, we would certainly welcome that and see that as a very positive direction of support and commitment.

Senator MURKOWSKI. I assume that if this were totally funded by the State or private sources, you folks would not have a position on it?

Mr. BROWN. At this point in time, this Administration has taken a very strong approach in regard to the use of commissions as——

Senator MURKOWSKI. Is it commissions or the funding? I mean, I am curious to know whether your objection is based on your—you have heard the Chairman comment a little on the background of some of the successful commissions that he has had experience with——

The CHAIRMAN. Will the Senator yield on that point?

If we had a Cabinet intra-agency task force, Alaska would still be a territory, and Hawaii would be a territory, I can assure you.

Senator MURKOWSKI. I am just curious to know whether it is the task force concept you are against, the commission concept that you are against, or whether you are coming from the point of view of funding the $300,000?

Mr. BROWN. There were two points brought out.

One had to do with the timeliness and effectiveness as in is that the best way to approach in a problem-solving way, to address immediate needs?

The second was also that the commissions in general have proven to be a very costly way to resolve issues. So, there were two points identified here.

Senator MURKOWSKI. You described in your alternatives a task force as being more efficient and economic than a commission. I do not happen to agree with you, and I guess that we gentlemen can differ.

But I think in a task force, you have the hidden costs, because it is always after the fact. Here, you have got a commission, you are up front, you are saying here is what we are going to need, and we have got matching funds to go with it. Those are a precondition.

But the task force is always in the process of getting started, and ultimately the costs are behind the power curve. I guess I would just not question you. I just do not see and agree with your position as being necessary more efficient.

Certainly it is likely to be less efficient and less effective. As far as the setting up of a full time employment for 14 Alaskan natives, I think it is important to point out that this group would be paid only while they meet.

Well, Mr. Chairman, I think it is appropriate that we have heard the position of the Secretary, Assistant Secretary Brown and the BIA, as proposed by OMB, and I think that when our colleagues reflect on the realization that there is matching funds behind this that we could count on the momentum of good faith in the sense that this is not just a request for Federal funding to establish something. This is from the people, and the people are willing to help themselves and make their own contribution.

Thank you very much, Mr. Chairman, and thank you, Mr. Brown.

The **Chairman**. And Dr. Brown, once again I thank you.

I know that your first two appearances before the committee have been rather difficult ones, but we have our responsibilities and you have yours.

We will continue to work together.

Mr. **Brown**. Mr. Chairman, thank you.

I will, because of some other pressing matters, be leaving. My staff will be here to ensure that we are kept up to date in regards to the testimony recommendations.

Thank you.

The **Chairman**. Thank you.

I have figured out that the cost to the Federal Government of this Commission will be $3.35 per Native American in Alaska. That is about how much you would pay for a Whopper, a medium French fries and a medium Coke.

I now have the great honor of reading for the record a statement by Senator Stevens.

> I would like to take this opportunity to once again commend the Chairman for his support and concern for my constituents and the Alaska Native community, and to thank Senator Murkowski for introducing the bill, and to thank Senator McCain for his co-sponsorship.
>
> The Alaskan Native community itself is to be commended for its support of this bill, and for its commitment to the process, and for Alaskan Natives' efforts now to address their health, social and economic problems through efforts in their own communities.
>
> The goals of this bill are review of the policies and programs through which both the State and Federal Governments have sought to improve the lives of the Alaskan Native people.
>
> All of us have seen the impact of alcohol and substance abuse as both the cause and effect of grim statistics detailed in the AFN report, *A Call to Action*.
>
> The key to the joint commission's success is the support of all parties involved, and I look forward to working with all participants to find new ways to address these continuing concerns.

I received a letter from the Office of the President of the Senate of the Legislature of Alaska, from the President, Senator Tim Kelly.

Without objection, his letter with the attachment of a joint resolution number 46 in support of this commission will be made part of the record at this point.

[Letter with resolution appears in appendix.]

And now, may I call upon Ms. Kay Gouwens, Special Assistant Attorney General, Office of the Governor of Alaska.

Welcome, madam.

STATEMENT OF KAY GOUWENS, SPECIAL ASSISTANT ATTORNEY GENERAL, OFFICE OF THE GOVERNOR OF ALASKA, WASHINGTON, DC

Ms. **Gouwens**. Thank you.

Good morning, Mr. Chairman, members of the committee. My name is Kay Gouwens, and I am Special Assistant Attorney General for the State of Alaska.

It is my privilege today to testify on behalf of Governor Steve Cowper and the State of Alaska in support of S. 1364.

You may recall—it was, I believe, five months ago today—this committee held hearings on the AFN *Report on the Status of Alas-*

kan Natives, and the Governor was able to personally testify on that occasion.

On that occasion, he endorsed the concept of creating this commission, and we are very pleased to be endorsing the bill that would now set that commission on the road to reality.

I should say that the Governor, as a general rule, shares the Administration's skepticism about the value of commissions of this type. There is, I think, always the fear that the time and money spent on commissions will be wasted, and that they will simply delay, rather than further, the real business of solving these problems.

But there are a number of reasons why the Governor believes that this particular commission is called for, and why with the support of the Alaskan Native community, it can help us to solve the very serious problems confronting us.

The first of those reasons is that the problems that are detailed so graphically in the AFN report are so pervasive and so complex and so interrelated that they really cannot be addressed readily within the normal framework of Government decision-making. We believe that it may very well be that we must seriously re-examine first principles and very fearlessly critique existing policies and programs in a search for solutions.

A commission of this type may very well be the best vehicle for that kind of analysis.

The second reason that we think the formation of this commission is very appropriate is that both the State and Federal Government are responsible for delivering services to Alaskan Natives, and it is crucial, given limited resources, that we make sure that we are not duplicating each other's efforts, or worse, that we are not working at cross purposes to each other.

So again, a joint commission is very, very appropriate here.

Finally, we believe that the way this commission would be formulated would help to ensure that its report will receive the attention that it will deserve. The bill would create an ex officio membership of this commission that would include key lawmakers at both the State and Federal levels, including the cochairmen of this committee and the members of the Alaskan Congressional delegation.

In terms of the voting members of the commission, the bill as introduced would provide that there would be 14 voting members, seven of these appointed by the President and seven appointed by the Governor.

The bill, as Senator Murkowski pointed out, would require that the President appoint no more than two Federal employees to the commission, and at least three Alaskan Natives.

An early version of the bill, as I understand it, would have imposed similar requirements on the Governor's appointments, and that was deleted in the opinion that it was not appropriate for the Congress to impose these limitations on the Governor's appointments.

It is, however, perfectly appropriate for the Governor to constrain his own choices, and he has asked me to make two commitments on his behalf today, regarding his appointments to this commission.

The first is that, although the Governor believes that State employees have been at the forefront of seeking innovative solutions to the problems facing Alaskan Natives, and will therefore be an important element in this commission, he is sympathetic to the viewpoint that State and Federal employees should not be allowed the dominate this commission.

I would suggest that that fear of bureaucratic domination of this commission is one reason why the kind of task force suggested by the Assistant Secretary today is not as appropriate a mechanism as this commission would be.

The Governor therefore agrees that he would not appoint more than two employees of the State of Alaska to this commission.

Second, it is obvious that this commission cannot hope to have any credibility or to succeed in its mission if it does not have significant participation by Alaska Native people, and for that reason, the Governor commits to you that at least three of his seven appointees will be Alaska Natives of proven leadership, and that he will endeavor to obtain on the commission a variety of views from within the Alaska Native community.

We are aware that you will hear testimony today suggesting that there should be more direct participation from Alaska Native organizations and individuals in choosing the members of this commission.

We can support, I think, any of a number of proposals for more direct appointment by Alaska Native people to this commission. The only formulation that we have heard so far, frankly, that we would have difficulty supporting is a kind of hybrid between direct appointment by Alaska Native people and what is in the bill now.

There has been a proposal, I believe, that would create or authorize Alaska Native organizations to come up with a short list of recommended appointments from which the Governor would be required to make his appointments.

That kind of restraint on the Governor's selection of his appointees would trouble us, and we would therefore prefer to see the Governor continue to be free to make his own appointments, and if the committee thinks that is appropriate, for there to be a mechanism for direct appointment by Alaska Natives of members of the commission.

Finally, I would like to say a word about State support of the commission.

As Senator Murkowski had hoped, the Governor is committing to you today that he will include in the budget that he must propose to the legislature in January of next year a proposal for $300,000 in State funding for this commission.

In addition, State agencies and officials will be instructed to cooperate with the commission to the fullest practicable extent.

In closing, Mr. Chairman, I would like to thank you for the opportunity to testify on behalf of the Governor today.

I would ask that my prepared statement be included in the record, and I would like to thank you for your continued interest in helping us find solutions to the problems confronting the Alaska Native people.

[Prepared statement of Ms. Gouwens appears in appendix.]

The **Chairman**. Thank you very much, Ms. Gouwens, and may I assure you that your full statement will be made part of the record.

Please convey to your Governor, to his Cabinet and to the legislature the gratitude of this select committee.

The attitude and leadership demonstrated by the Governor and the people of Alaska is commendable, and we look forward to working with them.

Ms. **Gouwens**. Thank you, Mr. Chairman.

Senator **Murkowski**. I would also like to thank Ms. Gouwens for the excellence of her testimony. I think that I noted that she hardly referred to her notes, Mr. Chairman, and obviously has spent some time on preparation.

My congratulations.

Ms. **Gouwens**. Thank you, sir.

The **Chairman**. That is why Alaska became a State before Hawaii. [Laughter.]

Senator **Murkowski**. Well, I think we both have the opportunity to have a long airplane ride to do a little studying or falling asleep, if that is an alternative.

Thank you.

The **Chairman**. Thank you very much.

And now it is my pleasure to call upon the leaders of Alaska on the first panel.

First, the Special Assistant to the President of the Tanana Chiefs Conference of Fairbanks, Mr. Will Mayo.

The representative of the Association of Village Council Presidents of Bethel, Alaska, Mr. Tony Vaska.

Representing the Central Council of Tlingit and Haida Tribes of Alaska, Grand Camp President, Alaska Native Brotherhood of Juneau, Mr. Richard Stitt.

The executive vice president of the Sealaska Corporation, of Seattle, Mr. Chris McNeil.

May I first call upon Mr. Mayo.

STATEMENT OF WILL MAYO, SPECIAL ASSISTANT TO THE PRESIDENT, TANANA CHIEFS CONFERENCE, FAIRBANKS, AK

Mr. **Mayo**. Thank you, Mr. Chairman.

For the record, my name is Will Mayo, Special Assistant to the President of the Tanana Chiefs Conference of the interior of Alaska.

I appreciate the opportunity to be able to testify on the proposed bill S. 1364. As our testimony indicates, we are willing to address the concepts of addressing the needs of Alaskan Native people.

We are, however, very concerned on certain issues within that have come to mind, as we read the legislation as proposed. So I will summarize our written testimony for you, and highlight the major areas of our concern.

The **Chairman**. May I assure all witnesses that their prepared statements will be made a part of the record.

Mr. **Mayo**. First of all, we have concerns with the organization of the commission as proposed.

I guess basically the problem that we have is one of native representation. Of course, we have heard statements of commitment to include more native people on the commission. We would like to make a recommendation because we feel very strongly that in order for the commission to accomplish the recommending of viable, efficient and practicable solutions to Alaskan Native problems that Alaskan Natives themselves must play a significant role in the development of those recommendations.

We would like to recommend that Alaskan Natives be selected, the number being seven, and that they be selected as has been proposed by others in their written testimony, based on the agencies, the five agencies in Alaska, with an additional native appointment in the Anchorage appointment, as well as an at-large native appointee.

We feel that it is very important that these appointments of Alaskan Native people be accomplished through the Alaskan Native people.

With all respect to the State and to the Federal Administration, many times when selections are made, the selections are made based on some political considerations that do not always reflect the feelings and the needs of the Alaskan Native people in rural Alaska and in the urban areas.

We would very much like to have a hand in appointing or assisting to appoint the Alaskan Native members of the commission.

In so doing, we would feel much more comfortable in supporting legislation to create a commission.

So, we do give our endorsement, our tentative endorsement to the concepts of appointing seven native members. We would recommend that the Federal Government be able to appoint four, and that the State of Alaska would appoint four members to the commission for a total of 15 voting members.

Another concern that we have with the legislation is in the area of the staffing. As you very well know, good staff are invaluable to the success of any endeavor, whether it be your own Congressional staff and assistants, or the staff for this commission.

We would therefore like to express our concern with regard to the issue of staffing in the bill. We would like to recommend that the bill allow and permit the detailing of not only various Federal agency personnel, but also of State of Alaska personnel, and most importantly, allow the detailing of personnel from the various native Public Law 93638 contracting organizations.

These people, it is our belief, are very well prepared to address the concerns, to state and to assist the commission and to provide invaluable assistance to the commission in the development of the recommendations of this group.

We are very concerned that staff be chosen that will offer efficient, accurate and knowledgeable assistance to the commission.

Another concern in the area of organization is the issue of accessibility. We would like to recommend that the commission locate its principal offices in Alaska. We would like this to be done so that accessibility to the commission, to the staff, would be made as easy as possible for the Alaskan Native people themselves, as well as other members and interests on the commission.

Second, we would like to recommend that a majority of the hearings, a large majority of the hearings, be held in Alaska. It has been our experience that oftentimes, very important issues or hearings are held and many Alaskan Natives who have valuable input would be barred from or unable to participate because of the costs of travel and of time.

Many of the rural Alaskans live the subsistence lifestyle, and are often at the call of the need to provide for their families. Many times that makes it impossible to take the time to travel a great distance, also.

So, again, we would recommend that the majority of the hearings be held in Alaska. The issue of accessibility to Alaskan Natives, we think, is a pivotal issue as important as any other that we are stating.

The second major area of concern is the focus of the commission. We—and I hope that you understand our caution on this—many times issues or the formation of a task force or commission or what have you is so broad in scope that it oftentimes may lose the focus that is needed.

We refer to the Alaskan Federation of Natives report, A Call for Action, and to the issues that were raised in that report, and we recommend that the focus of this commission be also the focus on the issues that were raised in that report.

We are very interested in seeing some action in the areas that have been discussed in that report. We do not support the idea of a wide-open, vague, nebulous focus for this commission. We would like it to be focused so that we can deal with the issues that had been stated in the Call for Action report.

And the last area of concern that I have and would like to relate is that as we, the Tanana Chiefs, testified in the previous hearing on the oversight hearing, we have some reservations, some concerns, as to the appropriateness of a commission for responding to the Call for Action.

However, we are not necessarily opposed. We have our concerns, as I am stating, that we feel are very important, and that need, in our mind and in our view, to be addressed satisfactorily to ensure a good native response or input into the process.

We feel that if the commission is created, that it must needs have the participation of the State, and that as we have heard already, they support it. They have made commitments, budgetary and personnel, and so we are very glad to hear that.

Our concern in this area is that over the years, Federal Government has exercised its Indian policy in Alaska, and for a large extent of that it has been satisfactory in the sense that it follows the national Indian policy.

But in many areas, we fear that there are deviations from the national policy. The State of Alaska, while it has many times embraced Federal policy, all too often has frustrated and opposed or taken actions contrary to Federal policy that we view as damaging to the Alaskan Native status.

So, we feel that the State should be involved and have every opportunity to cooperate with the Federal Government and with Alaskan Native appointees to the commission.

We would recommend, and it has already been stated, that they would participate equitably by contributing 50 percent of the cost to the commission. In this way, the State would have participation, and we could truly have a joint commission.

And so, with that, I would like to close by once again thanking the committee, Mr. Chairman, for this opportunity to comment on the proposed legislation.

Thank you very much.

[Prepared statement of Mr. Mayo appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Mayo.

Mr. Vaska.

STATEMENT OF TONY VASKA, ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS, BETHEL, AK

Mr. VASKA. Thank you, Mr. Chairman.

My name is Anthony Vaska, and I am representing the Association of Village Council President, which is on the Yukon-Kuskokwim Delta in Alaska.

The Association of Village Council Presidents whose acronym is AVCP, represents 57 villages in an area of about 57,000 square miles.

We have the largest stable population in the State of Alaska where, if you look at the Alaskan Native Claims Settlement Act, more than 90 percent of the original population continues to reside in those communities.

The communities are based along rivers and the coast of Southwestern Alaska. The demographic details that you can find with the Department of Labor, with the Department of Health and Human Services, or with the State of Alaska's Department of Labor or with the State of Alaska's Department of Health and Social Services, show some dire conditions that exist in Alaska.

Mr. Chairman, I continue to applaud your efforts in coming to Alaska and learning the conditions of Alaskan Natives, and I agree with your words of frustration about the priorities that the national Government has tended to concentrate its efforts—and I think in some cases, the State of Alaska.

We agree with the testimony provided by the Tanana Chiefs Conference in its concerns about the composition of the commission. We are willing to negotiate for the numbers, however, we feel very strongly about the composition of the Alaskan Natives to the commission, and who has the authority to appoint those commissions.

Further, we strongly oppose the proposition that the Alaska Federation of Natives, Inc. be allowed to take a major role in appointing those commissioners to the commission, the reason being that both the Tanana Chiefs Conference and the Association of Village Conference Presidents are currently not affiliated with the Alaska Federation of Natives.

That non-affiliation is very similar to any other State where there are a number of tribes that represent themselves and are not necessarily represented by a statewide federation.

If you look at the map of the State of Alaska, you will see that Tanana Chiefs and AVCP comprise almost half of all the villages in the State, and the situations, the economies in those communities are similarly situated in that they are highly subsistence-based for the bulk of their food.

The Association of Village Council Presidents applauds the partnership concept of the commission whereby the State of Alaska is willing and shows expressions of joining with the Commission in reviewing and studying and perhaps taking action and steps towards alleviating some of the social and economic problems in rural Alaska.

It is significant that the Governor of Alaska is willing to go for less than half of the commission to be Alaskan Natives. However, our proposal is that the Federal and State Government each appoint four members to a 16-member commission, and the Alaskan Natives either have somewhat less than the eight appointed by the Federal and State Governments, or something taken equal.

We do understand the significant of a Congressional commission to review and to recommend to both the Federal and State Governments, and would abide by those laws.

The focus of the commission is also of concern for us. While there was great hope placed in the Alaskan Native Claims Settlement Act and the corporate structure that ensued and the corporate activities that have followed since 1971, there are approximately 20 percent of the total native population not tied through the native corporations either on a regional based or village base, simply because they were born after December, 1971.

The great hope of putting $962.5 million and 44 million acres of land to the Alaskan Natives was something akin to the "trickle-down" theory. If in fact you look at the conditions of the Alaskan Natives now, you will find that a lot of that money never got to the individual natives, despite its great intent and hope.

The majority of the services provided to the Alaska Natives in areas of health, safety and welfare have been done by the Federal Government and by the State. The majority of those services under Public Law 93-638 are carried out by the Alaskan Native organizations, and it is those organizations that have the greatest input in looking at the social and economic conditions of Alaskan Natives residing especially in rural Alaska.

It is from this perspective that we encourage this committee and the Federal and State Governments to appoint people who will actually represent, people who work with the real conditions of Alaskan Natives, and not necessarily urban-based, regional corporations.

Their input is valuable, their contributions are valuable. They should not be excluded as well on the commission.

Mr. Chairman, again I will submit the written comments from the Association of Village Council Presidents, and again I commend your efforts in learning the situation of Alaskan Natives.

Thank you.

[Prepared statement of Mr. Vaska appears in appendix.]

The **Chairman**. May I now call upon Mr. Stitt.

STATEMENT OF RICHARD STITT, CENTRAL COUNCIL OF TLINGIT AND HAIDA TRIBES OF ALASKA; GRAND CAMP PRESIDENT, ALASKA NATIVE BROTHERHOOD, JUNEAU, AK

Mr. STITT. Thank you, Mr. Chairman.

My name is Richard Stitt, and I am an advisor to Mr. Edward K. Thomas, who is the president of the Central Council. I am representing his views today.

I am currently also the Grand President of the Alaska Native Brotherhood, which is a native organization that has existed since 1912, and I am also currently a member of the board of directors of Sealaska Corporation.

Mr. Chairman and members of the committee, I appreciate the opportunity to testify before you on the important concept of a policy commission to address Alaskan Native issues.

Since my written testimony will be included in the record, I will summarize basically the major issues that we are concerned about.

If you read the text of the testimony, you will find that we were somewhat chagrined when it appeared that the composition of the commission was primarily suggesting that there would be a number of natives involved. As we read later documents, it indicated that there was a reduction of what appeared to be the native element.

This brought us some concern, so there was some hesitation as to whether this would be a good vehicle or not. However, if there is the commitment that there will be a strong presence of natives, we would certainly then be behind and support the bill.

The involvement of natives as I discussed it with people that I associate with, is that it appears that where you get into a voting situation, and the vote determines the course, then you need those numbers, and you have to ensure that you have adequate numbers that at least the viewpoint of the native members will be taken into consideration, and that they will have the opportunity to try to push it in the direction that is meaningful.

We also would like, if possible, to try to present the commission or the legislation in terms that the natives are an equal partner in trying to resolve these issues. We have noticed that the titles for the commission is the Federal-State doing something to or on behalf of the natives, and it seems that we have reached the point in our history that we should be viewed as equal third parties in trying to resolve the concern that we all share.

The other concern that was voiced is the need, the commitment to address subjects that may be controversial and appropriate circles would feel that it is inappropriate to talk about. We are talking about the need to address with some and try to find some clarity to the notion that tribes in Alaska are able to exercise tribal governments and deal with those functions that really belong to them because they are natives and feel that it would help them in their efforts to find their place in society and function more meaningfully in today's society.

I have often thought about that question on a personal basis. In the best circumstances, I tried desperately to be a part of the major society, with any sense of happiness, and I find that in spite of that effort, it would not probably achieve what I would think would be the ultimate setting.

And so there is really the need that we maintain the Native Alaskan in the category that they seem to be more comfortable with, and that is the reason why we think it is essential that this commission look at and deal with that subject in order to clarify it and try to eliminate some of the uncertainty and confusion which really causes the natives to be the loser in the process.

I am sure that if we were able to directly address and deal with those subjects of tribal government that we would get a clear definition and thus ease that relationship and make it more harmonious among the members.

I would like to relate to you an experience that conveys to me how critical it is to have native involvement in many aspects.

I currently am a member of the Alaska State Alcoholic Board, the ABC board, and we had an effort to deal with the request to renew a license in rural Alaska. There was an overwhelming request by the native constituency in that area not to renew the license.

I felt that with my presence on a five-man committee, I was able to give some leadership to the committee to reject the license on the basis that the native population were asking us in a very sincere fashion to discontinue allowing that to be a source of alcohol.

I find that if I were not there, it would be somewhat more difficult for the other members, because you were dealing with a viable business, and it is difficult for people to try to shut down a business. Those kinds of decisions have become rather difficult.

But with my presence, I believe that in leading the way, we were able to do this in response to a very sincere concern and cry from that area.

So, from that experience, I felt that it is important that we have people on these commissions that have the ability and will bring these subjects and provide leadership in finding the solutions and not be intimidated by the notion that we should not talk about taboo subjects.

The final item, Mr. Chairman, was the notion of funding. We feel that if the cause is right, that adequate funding should be provided. It seems even the $600,000 may not be adequate, but we will probably have to leave it to your best judgement.

In many cases I have seen good ideas just flounder. I mean, the rhetoric is there to support it, but the means to get it going sometimes fails, and I hope that is not going to be the case, Mr. Chairman.

This ends my comments on the bill. I thank you for the opportunity.

[Prepared statement of Mr. Stitt]

The CHAIRMAN. Thank you very much, Mr. Stitt.

Mr. McNeil?

STATEMENT OF CHRIS McNEIL, EXECUTIVE VICE PRESIDENT, AND GENERAL COUNSEL SEALASKA CORPORATION, SEATTLE, WA

Mr. McNEIL. Thank you very much, Mr. Chairman.

My name is Chris McNeil. I am a Tlingit and Nisga'a Indian, and I am Executive Vice President and General Counsel of Sealaska.

I would like to thank you, Mr. Chairman, Senator Murkowski, and members, for your very extensive commitment to review Alaskan Native issues.

I will not read my testimony, but will give you a very short summary of it.

We support S. 1364, and we also support AFN's testimony that has been submitted for the record.

We, too, have a concern about Alaskan Native participation, but we also did hear the Governor's commitment on the record to a much broader participation. I think that that is something that we will take seriously, and I think that is a true commitment.

We feel that we need to keep our eye on the ball, though. We do need a joint study commission. We would like to see this go forward.

You are now very familiar with the statistics that were developed by the AFN report, and they are replete with grim problems of alcohol and drug abuse and suicide. They do speak for themselves, but this is a problem that is really much closer to home.

I think what it comes down to is that all Alaskan Natives are at risk. There really is nobody that is untouched. Nobody goes unscathed by this.

I can hardly think of any tribal member that has not been touched by alcohol or drug abuse, either through recovering or as an adult child of an alcoholic. It is something that is just there.

I can hardly remember a year that goes by when we do not have to go to a relative's funeral because of the very extensive problems insofar as the drug and alcohol problems are concerned.

We do need this joint commission. I would like to say in reflection that Congress has really experimented with the Alaskan Natives, and the Alaskan Native Claims Settlement Act is a unique form of land claim and self- determination.

But 20 years later, the basic problems are still here. I think that what we have found is that they are a lot more extensive, a lot more complex, a lot more intractable than I think anybody thought as Congress was looking at trying to resolve a lot of issues, almost 20 years ago now.

What we need is a joint commission that would be able to provide a basis for new thinking. We need to be able to go back to the drawing board on a lot of issues.

It is our view, anyway, that some of these solutions may not fall into the neat little boxes that the Federal bureaucracy or the State bureaucracy has for us.

It is not like we are without hope. We have our tribes and we have our corporations. But I think we need to look at new ways to marshall the tools and efforts and the tools and efforts of the Federal and State Governments.

That concludes my remarks, Mr. Chairman. Thank you very much for the opportunity to be here.

[Prepared statement of Mr. McNeil appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. McNeil.

I would like to call upon Senator Murkowski to proceed with the questioning.

Senator **Murkowski**. Thank you, Mr. Chairman.

I have a question for Mr. Vaska or Mr. Stitt, either one.

The concern about representation is one that I highlighted in my testimony, and that you have elaborated on. I believe your recommendation was to have representation by the five BIA areas: that is, Anchorage, Juneau—what are the five, again?

Mr. **Vaska**. It is Anchorage, Fairbanks, Juneau, Nome, and Bethel.

Senator **Murkowski**. Bethel, okay.

Now, that recommendation covers a fair geographic representation of the State. But the BIA has numerous contractors. I think I am told that there are as many as 39—and then we have the Indian Health Service contractors, and then you have got school boards.

I am just wondering, as you make this recommendation, it seems to imply an extension of influence from BIA contractors in carrying out—if you start with five, and then you go on and on and on.

Would that not weigh it rather heavily with the influence of the BIA?

Mr. **Vaska**. Senator Murkowski, the suggestion of using the five Agency offices within the Juneau area was a suggestion that we were looking at in terms of trying to find regional distribution of representation of Alaskan Native groups.

Each agency works with any number of Public Law 98638 contractors, of which in the Bethel agency, for instance, there are three. In an agency like Anchorage, there may be up to 16 or 17 contractors.

In terms of answering your question on the influence of the BIA, the influence is lessened by the fact that it is the contractors who will be represented, and not the Agency.

Senator **Murkowski**. I understand that up to a point. But it is up to the contractor—it depends to a degree on the BIA for the contractor's continuity of renewal, and so forth and so on, and I guess I am looking simply for your explanation of why you think that it would work better.

I do not disagree that it does represent a fair geographical representation.

Mr. **Stitt**. We are looking for a geographical representation.

Senator **Murkowski**. All right.

Well, I am a little concerned about the influence of the dependence of BIA and the contractor and that kind of representation.

Mr. Stitt, would you care to comment on that?

Mr. **Stitt**. I believe that we are working with a set number or apparently an agreed-upon number of seven, and realizing that the composition—there is a limit to the size of the committee. Ordinarily, you understand, the State of Alaska has the 12 regions, so if you had the best of worlds, you would really shoot for 12, one from each region.

But realizing that the number has to be reduced because of the cost, then you are looking for a method. So it was based on the geographic distribution that is presented by the five Agencies. That is why we use the term, really—to identify the geographical setting.

Senator **Murkowski**. Well, that is fair enough.

As Chris knows, oftentimes legislation is like sausage-making: you would rather not see it happening.

Chris, do you have anything to add?

Mr. McNeil. I am not sure I need to add any more sausage here today.

Senator Murkowski. All right.

Mr. Mayo. Well, Senator, the geographical considerations, I think, are what are important.

One of the concerns that we had that came about, that guided our looking at that method of choosing representation—I think this map would graphically show you the basis for our concern at Tanana Chiefs. If I may be permitted?

This map shows you the area of the State that is represented by the Tanana Chiefs conference and AVCD.

The remainder of the State is the area that AFN represents, in terms of the non-profit and human resources board.

Our concern there, Senator, and the reason why we are looking at this kind of a geographical distribution for selections was because we did not figure we would have a successful argument for 12 Native appointments, and so we were trying to find a way that we could use to select a moderate number.

Also, as Tony stated in his testimony, the Alaska Federation of Natives, if they are the vehicle for assisting in the choice of appointments, Tanana Chiefs and AVCP would be excluded from that process.

The Chairman. You have given us a very significant piece of real estate to look at in the map, and I am interested to know the population differential in the Tanana Chiefs vis a vis the area outside, which you indicate is represented by the AFN.

Mr. Mayo. TCC—there are varying numbers, okay. So the—under the Alaska Native Claims Settlement Act, their original enrollment was just over 9,000.

In our health records, we served the whole interior of the Tanana Chiefs Conference, and usually everybody comes in for something. Our health records have over 12,000. So it is somewhere in there.

Tony just told me that the number in his area is 20,000.

Senator Murkowski. So, that is the total? That 20,000 figure is a figure you can live with as far as representing the services offered by Tanana Chiefs?

Mr. Mayo. The total would be 32,000, sir.

Senator Murkowski. Well, how many native people do we have in the State, 70-some odd thousand? Some 67,000?

Mr. Mayo. I think it is around 80,000.

Senator Murkowski. And then we can assume that AFN represents the rest?

Mr. Mayo. That would be the assumption.

Senator Murkowski. Well, you know what they say about figures—so I will not pursue it any further.

Thank you, gentlemen. I have no further questions.

The Chairman. Thank you very much, Senator.

I would like to make three observations. Hopefully this will be as a friend of Alaskan Natives.

This endeavor that we are embarking upon will require the closest coordination and an atmosphere and spirit of amity and comity.

It will not have room for internal jealousies and ego massaging. I notice that several of you have spoken rather negatively of the AFN, but as far as this committee is concerned, good or bad, it was the AFN report that caused the committee to become sensitized and concerned about the plight of Alaskan Natives.

As such, I think if anything the AFN should be commended for at least bringing this about.

Secondly, on the matter of appointments, I have, over the years, had to go through the same exercise that all of you are suggesting, and each time, I have been told correctly that the Constitution of the United States will prohibit any person or any organization to dictate directly or indirectly to the President on who he should appoint.

We cannot tell the President that he must appoint three from this list, or two from here. We can suggest, as we oftentimes do. We would submit to the President a list of three names for filing the vacancy of a judgeship. The President can ignore it. He need not acknowledge that letter.

You never tell the President that he must appoint someone from this list, and to attempt that would just endanger the whole bill.

And so I would caution you to be very careful about this.

Secondly, I have found over the years that commissions that are made up of persons who are directly involved usually end up in the files, because that commission will tend to talk among themselves, divide themselves up into factions, and the audience is limited.

The Statehood Commission had only one member from the Territory of Hawaii. The Commission to look into the incarceration of Aleuts and Japanese-Americans in World War II had one Japanese-American and one Aleut, because you needed other Americans to go about the countryside to sell this.

To tell the folks what is happening in Alaska—it is not to sell Alaskan concerns to Alaskans. If that is the commission you want, that would be a total waste of money.

But if you want the people in other parts of the United States to perk their ears and say, "My God, is this the way we are treating our fellow brothers and sisters?" then you had better look around for other leaders.

In the Aleut and Japanese-American Commission, you had a former member of the Supreme Court of the United States, you had a former member of the United States Senate, you had a Governor. Now, these people have entree into the great show: Good Morning America, Ted Koppel. This is how you are going to get your message across, not just talking to the Anchorage TV.

You have to get that message across.

But I would hope that you have other non-natives involved. Is the legislature of Alaska made up of a majority of Alaskan Natives? You have to sell the non-natives to appropriate the monies. You have to sell the members of Mississippi, Maine, Montana, Missouri, that they must appropriate millions of dollars, and it is going to take more than the efforts of Alaskan Natives to do this.

The third observation I would like to make is the amount that we have appropriated—$300,000. That amount comes into effect when Alaska puts up its $300,000. The Governor will submit it in the budget in January, the legislature will look it over, they will have a hearing, and etc., etc.

I suppose at the earliest, you will appropriate it in March.

Ms. GOUWENS. The fiscal year begins July 1.

The CHAIRMAN. But when do you think you will appropriate the $300,000?

Ms. GOUWENS. Generally, the legislature acts quite late in its session on appropriations matters, so, about May.

The CHAIRMAN. May? That is when the $300,000 comes into effect. We are talking this $300,000 for the whole fiscal year, which begins October 1 of this year.

Therefore, you will have a big amount of money to be available from July 1 until the end of September. So as far as the fiscal support, I would think that this commission will have more than adequate amounts.

I notice that we have a vote at this point. If I may, I would like to call a short recess, and we will be back in about 10 minutes.

[Brief recess.]

The CHAIRMAN. Let us resume our hearings. Now, for the second panel, I would like to call up the co-chair of the Alaska Federation of Natives, accompanied by the co-chair of the Alaska Federation, Ms. Mary Jane Fate, and Henry Ivanoff.

Two members of the Board of Directors of the Klukwan, Inc. of Alaska, Johanna Hotch and Ed Warren.

An attorney from Anchorage, Mr. David Case.

And an attorney and member of the Sonosky, Chambers, Sachse and Miller firm, Mr. Lloyd Miller.

Mr. Ivanoff.

STATEMENT OF MARY JANE FATE, COCHAIR, ALASKA FEDERATION OF NATIVES, FAIRBANKS, AK, ACCOMPANIED BY JULIE KITKA, STAFF MEMBER, ALASKA FEDERATION OF NATIVES

Ms. FATE. Mr. Chairman, Mr. Henry Ivanoff is not here today, so I will be speaking on behalf of the Alaska Federation of Natives, along with Julie Kitka, who is on the staff of AFN.

The CHAIRMAN. It is always good to see Julie.

Ms. FATE. Thank you for inviting us here today and giving us another opportunity to appear before the committee. You are commended on the great and brave work you are doing, and it is, I would like to say, a historical event that we are proud of as Alaskan Natives.

We have distributed about 6,000 copies of the information on this commission throughout the State of Alaska to individual Alaskan Natives as well as entities, the non-profit regional corporations, the for-profit regional corporations, village regional corporations and councils, IRAs, individual Alaskan Natives, the State of Alaska legislators, and staff members, as well as the Governor of Alaska.

The news media has received it throughout Alaska, and not only the newspapers, but radio and television, and above all, the individual Alaskan Native people have received it.

You have our testimony before you, and I will start with today's hearing on S. 1364. It is of historical significance to Alaskan Natives. There are two main reasons I would like to cite.

First, this represents efforts by the AFN Board and staff to raise the public attention that you mentioned of the social and economic crisis in which we as Alaska Native people find ourselves.

Second, this hearing represents the opening of a new period of public policy in Alaska, one which recognizes the desire of Alaskan Native people to survive as distinct ethnic and cultural groups, while participating fully as members of the larger society.

This effort will be advanced through the creation of a mechanism where Natives, the State of Alaska and the United States can enter into this effective partnership in planning for the future.

It was just about one year ago, Mr. Chairman, that you traveled to Alaska at the request of many people to conduct a public hearing and to observe first-hand some of the issues which could properly be examined by the proposed joint commission on policies and programs affecting Alaskan Natives.

The trip was a concerted effort to examine the conditions of native life in urban and rural Alaska in Anchorage, Kotzebue, Noorvik, St. Marys, Chivak, Bethel, Kodiak, and Sitka, all in 5 days.

You reported to this committee your experience, describing profound social problems afflicting the native community. Most importantly, you assured us that that trip would not be a one-shot gesture. You would stay with these issues over time, and push them at the top levels of the United States Government. You have kept your word.

In 1989, the committee has conducted two more public hearings, one in March here in Washington, and another in May in Anchorage.

Today represents the fourth public hearing in 12 months on these issues, and I want to take this opportunity to thank you, Senator Inouye, on behalf of the Alaskan Native people.

Thank you, Mr. Chairman. The progress made in getting S. 1364 introduced in the Senate with companion legislation in the House has also been achieved with the hard work of all three members of Alaska's Congressional delegation, Senator Murkowski, Senator Stevens, and Congressman Young. Their personal commitment to the causes of this commission elevates this hearing from a recital of statistics on poverty and social pathology to that of taking positive steps forward.

Our thanks also go to Senator McCain for his co-sponsorship, and to the Congressional staff members that helped shape the language before us today.

After your 1988 trip to Alaska, Mr. Chairman, you asked the AFN to prepare a brief but comprehensive report on the present social and economic status of Alaskan Natives. You requested that we pull together a broad statistical and narrative sketch of where natives stand as we enter the last decade of the 20th century.

We all realize that time and resources would not permit an in-depth analysis of all the problems, or of the Federal and State policies and programs affecting them. Literally hundreds of social and economic studies on natives have been done over the past decade, and most of them analyze in detail little bits and pieces of the whole picture.

There are libraries full of data on cultural changes, social problems, language, employment, public facilities, educational and every capacity of psychological health, behavioral health, subsistence rights, lands, resources, economic development, political institutions—and we could go on and on, and so can you.

The sad fact is that despite great effort and expenditure, most of these studies have been treated as if they exist in isolation from the others. Analysts who look at native life from the outside seem to feel that alcohol abuse is one problem, cultural change is another, lack of employment is a third—as if the pain of cultural changes were not a causal factor in the chemical epidemic, or as if alcohol abuse does not destroy the capacity of natives to get the few jobs that do exist.

But if you see contemporary native life from the inside, as we do, the problems merge and reinforce one another in an ongoing cycle of failure. It is the whole pattern that must be viewed.

At this time, I will have Julie Kitka, a staff member of AFN, proceed.

STATEMENT OF JULIE KITKA

Ms. KITKA. Thank you, Mary Jane.

Mr. Chairman, I wanted to continue the rest on behalf of our other cochairman, Henry Ivanoff. He had just come back into the country from meetings over in Greenland, and he wanted us to extend his apologies.

Where Mary Jane left off on that, we are to the point where AFN had put together our comprehensive report on the status of Alaskan Natives, and the fact that the report does not treat some of the problems and concerns that Alaskan Native people have in isolation to one another.

The basis of our report was that things were all interrelated, and that there was not any magic cause that could identify those problems.

One major component of our report that we have testified in the past about is the report never was intended to be a full comprehensive report on Federal and State policies and how they affect Alaskan Natives, and it can only be views as a snapshot, a very conservative snapshot, at that point, of what the circumstances that there are in rural Alaska.

Many people who have testified before the committee at prior hearings on our report indicated some of the shortcomings in the report, as well as how conservative the numbers are, and the fact that many of them are woefully inadequate, even at this state.

So, one of the main driving factors of our support for a joint commission was the need to get into place a structure which would solely focus for a period of time—a year to 18 months to 2 years—in which it could go into a lot more depth on the problems affecting Alaskan Natives than we were able to do in our report.

What we have come here today to do is also address some practical solutions for addressing the ranges of the problems. In the last hearing, at the March hearing of the committee, AFN recommended the creation of a mechanism for an authoritative, high-level policy and program analysis. Once again, we knew that the issues that were presented in our report would not be sufficient in order to come up with the best possible solutions that there could be, and that the problems were of such magnitude and such impact that we needed a lot more work done than that short little report put together.

At that time, we cited precedents for setting up such a policy analysis such as the Field Committee's 1968 report on land claims, which a lot of people credit toward laying the groundwork for Alaskan Natives getting such a large land settlement under ANCSA.

The United States Indian Policy Review Commission's work during the 1970's was also widely acclaimed as a very effective vehicle for accomplishing goals Indian people across the Nation have desired.

We recommended that a commission or a structure dealing with Alaskan Native issues be charged with making specific policy, program and budgetary recommendations to the United States, and the State of Alaska, in order that it could go beyond describing the problems to focusing on solutions.

We sincerely felt, and still feel, that imagination and courage are what is necessary to break out of the current cycles of policy inertia and programmatic routine.

In response to AFN's recommendation, the committee and the Alaskan Delegation drafted and introduced the bill before us today—S. 1364. On behalf of the AFN, I would like to go on record as supporting the bill.

AFN is very aware of concerns expressed within the native community about the design of the commission membership and the processes for its selection, but we insist that the goal of having a serious, high-profile Governmental commission that includes native representatives is more important than any specific mechanism for its composition.

Some observers within the Native community have remarked that S. 1364 guarantees only three native representatives from among the seven to be appointed by the President, and requires no corresponding commitment from the State. However, we are heartened by Governor Cooper's commitment today to appoint a minimum of three Alaskan Natives from among the seven State appointees. This will mean a minimum of six natives among the 14 members, with the distinct possibility that there could be more natives appointed.

AFN has several specific recommendations that will encourage native involvement in this process and help ensure the success of it. The first one deals with the issues of task forces.

The way the legislation is drafted in part, the Commission is currently empowered to set up its own issue-specific task forces composed of members it selects to study and report on specific policies or programs.

AFN strongly recommends that the commission utilize a broad range of native leadership and institutional representation in its task forces. Who knows these issues better? This is an important opportunity to broader the input of native people into the participation in the inner workings of the commission.

When we were initially talking about the Commission, we were looking at six specific charges to be given to the commission, and at that time, at least internally, we were envisioning a minimum of six task forces being set up, and at least one or two Alaskan Natives to each task force. We saw that as a significant way to broaden the involvement of native people into the workings of the commission.

The second major recommendation dealt with public hearings and village travel. We are encouraged that the commission is empowered to hold public hearings, and we strongly recommend at a minimum that the Commission hold a public hearing in each of the 12 geographic regions of Alaska, and that the Commission be encouraged to travel to several villages within each region while they are out on their public hearings.

We feel that the credibility of its final report will depend upon the serious effort of the Commission to get out and listen to the native people. We do realize that this amount of public hearings and this amount of travel is going to be expensive, and later on in the testimony we will address some issues related to the budgetary aspect.

Other members within the native community have raised objections to the idea that native representation on the Commission would be selected by the President of the United States and the Governor. They feel that native peoples themselves should make such decisions.

To address this concern, AFN proposes three alternatives for consideration. One, that the committee could decide that the President and the Governor are the appropriate appointing authorities for all voting members. Native communities, individuals and organizations would be encouraged to submit by some fixed public deadline a list of recommendations of nominations of native individuals who would be representative of native concerns, with the attached biographical data, to both the Governor's Office and the President. We would urge careful review of all submissions before the selection became final.

The second alternative that we can see, which the State has already gone on record this morning as opposing, was to empower a mechanism within the native community to pull together such native recommendations and come up with a short list of recommendations. If the committee chooses this option, the AFN Board of Directors offers its organization as a vehicle, if that could help to assist in facilitating that to happen.

Finally, the committee could decide that native representatives on the commission should be selected by the native community itself. If that is the decision the commission should decide, the AFN Board of Directors offers once again its offices to perform that.

We are not insisting that they do, but we offer in case that would be something that could facilitate that.

Mr. Chairman, we have carefully weighed these alternatives and concluded that the highly acceptable solution to the issue of native people appointing their own representatives to the commission would be empowering native people to make their own appointments to the commission. A greater sense of native ownership of the commission will only enhance its chances of success.

We suggest that the commission consider vesting the AFN Board of Directors with such authority. The timing of the setting up of the commission if in fact you are looking at authorization and funding as of October 1—we have an AFN convention that occurs the third week in October. The AFN Board would be willing to meet for a special meeting sometime in August to try to work out some kind of mechanism to bring back to the committee, as far as natives appointing their own people.

We would be delighted to invite the other native organizations which may not be current members of AFN to participate in such discussions, but we could see how such a system, if the committee was interested, and especially with the convention coming up, and as many people from all the villages coming in, where you in fact could make such a process work—you could use the convention for caucuses within the regional areas to discuss that and get substantial native input in a timely manner. So we offer that as a suggestion.

Regardless of the decision that the committee makes, as I said, we stand behind the Senate bill that has been introduced, and we stand ready to assist the committee in any way it deems fit. We strongly urge that the momentum behind the legislation not be lost. It is essential that we have the commission up and running October 1.

We believe this effort to evaluate and reform public policy will not be judged by the existence or operation of the commission itself, but rather by its ability to improve the lives of our people and to provide for the future of our children.

We must proceed with the task at hand. The AFN is open to other suggestions as far as native participation in making their own appointments, and stands by willing to discuss that further if the committee is interested.

On a last note, on the issue of appropriations for the commission, I want to make one clarification. The Governor's Office talked about the Governor's commitment to put $300,000 in State money into his operating budget request to the legislature, which would be submitted January 1.

AFN has had further discussion with leaders of the State legislature, and we understand that they would be open to the possibility of using legislative leadership funds to use as start-up funds to be put back in their leadership funds once the appropriation is authorized. So we do not look for there to be major problems in getting State money accessible for an October 1 start-up, if that is in fact the way the Federal process goes.

So we would look forward to meeting again with members of the State legislature, the leadership, to firm that up, if that is a concern.

Ms. FATE. If you have any questions, Mr. Chairman, or any other committee members, we are available.

[Prepared statement of Henry Ivanoff appears in appendix.]

The CHAIRMAN. I thank you very much, Ms. Fate and Julie.

May I now call upon Johanna Hotch and Ed Warren.

STATEMENT OF JOHANNA HOTCH, BOARD OF DIRECTORS, KLUKWAN, INC., KLUKWAN, AK, ACCOMPANIED BY ED WARREN, BOARD OF DIRECTORS, KLUKWAN, INC., KLUKWAN, AK

Ms. Hotch. Thank you.

Honorable Senator Inouye, among my people, we would consider you to be very honorable. Reasons behind that are that anyone from Washington, DC who would take the time to come up and be in the midst of our native people, is honorable you are very honorable.

I know that I would speak on behalf of my people, the Tlingit people. I certainly applaud you, along with many other native peoples of Alaska, for the visitation that you have made to our people.

My name is Johanna Hotch, and I am from the village of Klukwan, Alaska, located geographically in the southeastern part of Alaska.

Klukwan is also known as the Chilkat Indian village, and it is located 22 miles north of Haines.

I really appreciate your comments. One of the frustrations of our native people is that our concerns receive very little attention. In my opinion, Senate Bill 1364 can be a tremendous stepping stone for our native people to unite together.

Our problems can receive attention through S. 1364. I certainly stand with you, Senator Inouye, this morning, in saying that the Alaska Federation of Natives is certainly to be commended in the efforts that they have put together in putting together a report concerning Alaska.

As you have mentioned, as the result of this report, this commission is being recommended to be established, and I certainly, in behalf of Klukwan Inc., which is—Klukwan, Inc. was formed in 1973—we certainly applaud the Alaska Federation of Natives for the tremendous effort that they have put together on behalf of all Alaska natives.

I serve as one of the nine directors of Klukwan, Inc., on our board of directors, and I am chairman of the board of our main operating subsidiary, Klukwan Forest Products, Inc.

I would want to emphasize at this point and time that Klukwan, Inc. is doing something very positive concerning this Act. Klukwan Inc. is one of the few native corporations, I believe (and it may be the only native corporation), that is doing something positive pertaining to the social problems of our native people.

We have a drug policy that is very active in our corporation, and through the establishment of this drug policy, we have come to know learn that there is an alcohol and drug problem among our native people.

In order for our native people to go to work for our corporation, they do have to pass a drug test. Because of those who are not able to do that, we certainly can concur that it is a problem among our people. S. 1364, as I mentioned before, is a positive stepping stone toward addressing these problems.

Many good things have come to a number of the regional and village corporations as a result of ANCSA, but the claims act has not solved the social and economic problems of the Alaskan Natives.

For example, ANCSA has not addressed potential income tax problems causing reduction of economic benefits to our shareholders. Also, I am a witness to many of the problems that face the Alaskan natives, both in urban and rural settings.

Alcohol and other drugs have had a devastating effect upon our people. I can honestly say that I speak to this, because in my own family, there were three alcohol-related suicides that happened. We all know that the vast majority of the deaths in our village are the result of alcohol rather than natural causes.

I also can honestly say that this S. 1364 is part of an answer to the prayers of our people.

S. 1364, establishing the joint commission on policies and programs affecting Alaskan Natives could be a wonderful thing for our people. It will help us to identify the ways to solve the problems that face our people.

Our job is an ongoing one, generation after generation. Our aim is self-determination and self-sufficiency.

Klukwan, Inc. wholeheartedly supports the passage of the bill and the quick formation of the commission. As a member of the Tlingit tribe from the village of Klukwan, I wish to convey our heartfelt thanks to you, Senator Inouye, and to Senator Murkowski and Senator Stevens, and especially to the Alaskan Federation of Natives.

I think unity is one thing that is really needed among our native people in Alaska, and I cannot help but say that I feel that S. 1364 can bring unity among our natives.

I am not here to speak against the bill, or to make any particular recommendations. I wholeheartedly am here in support of the bill, in speaking for my corporation, Klukwan, Inc.

Thank you.

[Prepared statement of Ms. Hotch appears in appendix.]

The Chairman. I thank you very much, Ms. Hotch.

And may I now call upon Mr. Warren?

STATEMENT OF ED WARREN

Mr. WARREN. Thank you, Senator Inouye.

I wish to present the position of the Chilkat Indian Village of Klukwan, an IRA position, and then offer some personal comments.

The Chilkat Indian Village takes a position in the following manner: To the Federal and State Commission, the Chilkat Indian Village of Klukwan is a Federally-recognized Indian tribe, with a current population of 160 residents living within the boundaries.

The IRA council is locally elected, a governing body originally organized pursuant to the Indian Reorganization Act of 1934, as amended in 1936.

The Chilkat Indian Village of Klukwan has requested Edward T. Warren to represent Klukwan's concerns to the Indian Affairs Commission.

The IRA council for the Chilkat Indian Village of Klukwan supports the development of the Federal and State commission. The IRA council members believe that:

One, protection of subsistence rights as defined in Alaska National Interest Land Conservation Act, Title VIII, section 8, code 3, is essential.

Alaska Natives, especially in the rural areas, depend on subsistence resources for food, clothing, craft, and barter. Alaska Natives must have access to Federal lands as these resources become available.

Two, legislative and technical assistance as well as funding to improve local tribal governments in rural areas, so that the tribal governments can carry out adequate services to the natives in their communities. If these tribal governments will receive items one and two, then tribal governments can then begin to self-sustain their village economies in rural Alaska and with native workers begin to improve education for village children, begin to education native parents and children about preventative health measures, for example, prevention of infant ear infection by seeking medical attention as early as possible.

In conclusion, if the fundamental rights of subsistence are preserved, the quality of life will follow with the native participation.

This is signed by their Vice President, Jones P. Hotch, Jr.

Senator Inouye, I would like to conclude my participation with some personal remarks. I perceive this to be speaking to the mechanics of the bill.

Notwithstanding your earlier remarks about the Constitution, the U.S. Constitution and about directing the U.S. President, we would like—I would like to underscore that the uniqueness of our needs may be so prevailing that there must be some exception to this for the selection of natives to participate, and being selected by natives. This is a measure of quality of participation, and not only in the quality but in the timeliness.

I have heard that the BIA remarked that the cost of acquiring more research material—that is a valid point. However, when you have a representative from the southeastern area, and that representative is elected by the local camps of Alaska Native brotherhood and Alaskan Native sisterhood, that person goes from the one camp to the Grand Camp with timely and well-qualified information.

So, it does not make sense to pay for the development of information when it will come through the selection of natives. So in this respect, we ask that you pardon my remarks directing you to counteract the requirements of the U.S. Constitution.

I am pleading, I guess, if the court got me, I would probably plead insanity or something. But be that as it may, I think it is the point I want to make.

Now, we want to say in addition that although the Alaskan Native Claims Settlement Act was supposed to address all the needs of the Native Alaskans, we all know that even the 1991 Amendment is insufficient, or not sufficient.

For example, in the southeast of Alaska, Native Alaskans in the following communities—Haines, Wrangell, Petersburg, Tenakee Springs, and Ketchikan—are native people with no lands. We are calling them the landless people.

In the Haines area, the young landless people are being helped by one elder who is known as the Raven Chief, Chief Nowanake, who established a culture center, training place for the young people.

No one child or young person is turned away from this training area or training facilities, native and non-native participate.

It makes me very grieved to see that had this community, like communities of Juneau and Sitka, received land, this culture center would have more funding. It would be more visible and more effective.

So, that is an example of something left undone by the Alaskan Native Claims Act.

Now, my personal conclusion about the function of the commission is that it does indeed create a platform in which all parties have an opportunity to negotiate one's interest which is not now presently available.

I thank you, Senator Inouye.

[Prepared statement of Jones P. Hotch appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Warren.

Mr. Case.

STATEMENT OF DAVID CASE, ATTORNEY, ANCHORAGE, AK

Mr. CASE. Thank you, Mr. Chairman.

I, too, want to express my personal appreciation for the invitation and the opportunity to be here. I am appearing also at the request of the Tlingit and Haida Tribes of Alaska.

I will not, of course, repeat my written testimony which has been submitted to the committee. I would, however, like your permission to correct one or two typographical errors which exist in it, afterwards.

I will summarize my testimony and highlight and perhaps add to it, but what I want to emphasize is that I am here and really drawing from my own personal experience of living and working within this area with these issues over the last 15 years or so, in Alaska.

As I suggest in my testimony, my experience is that there is a substantial amount of inertia—I call it fear—in addressing some of the issues regarding the political rights of the Alaskan Native people as tribes. That has been referenced here, too, by Mr. Stitt and others.

I am hopeful, and I think many of the people who have testified here today are hopeful, that this commission will offer an opportunity to deal with some aspects of that issue.

I have identified in my testimony some specific ways in which I think the political authority of Alaskan Natives offers solutions to the very problems that are suggested in the AFN report.

I do not mean by that to suggest that other issues that are related to the political status of Alaskan Natives are beyond the scope of this commission. In fact, I view and read the bill as being rather open-ended, and designed to permit a commission to determine, once it is appointed, the scope of its inquiry, and what needs to be addressed in order to address policy issues. That is what we are talking about, I think, is policy issues.

What is the policy of the Federal and the State Government toward Alaskan Natives and how can those policies be best designed to further the social and economic and educational and other goals identified in the commendable report that AFN has put together?

So, I am here, along with others, to endorse the idea of this bill and its general thrust and overall purpose.

I do suggest, and I guess I want to emphasize here, that there are very specific ways in which tribal governments can play, and in fact do now play a role in addressing the problems identified in the AFN report. I have identified in my testimony two specific areas relating to alcohol problems and alcohol control at the village level where there is a Federal law that has been implemented in several villages in Alaska in the last few years that permits villages, through their own councils acting as courts or other adjudicative bodies to enforce liquor control or liquor prohibitions in the village, without having to rely on a distant, inaccessible State court system.

That is a mark of self-determination, and it works. It works in those villages where that has been done, yet it continues to be implemented fitfully, at best, by the Interior Department. When you send a petition in, a proposed ordinance, into the Interior Department, you get the feeling it depends on what the person had for breakfast in the morning as to how soon that ordinance and petition gets acted upon.

That is a question of Federal policy, Mr. Chairman. Federal policy ought to be addressed so that it clarifies how these ordinances are going to be acted upon by the Interior Department and how they are going to be implemented in Alaska.

They already have been, in the last few years, and there is no reason on earth why they should not be in the years ahead. Again, only tribal governments can implement those ordinances. They have a role to play.

Another area which the State is well aware of, too, is that of child welfare and the implementation of the Indian Child Welfare Act.

We are confronted in Alaska with two court decisions by the State Supreme Court that are difficult to reconcile with each other.

One of these decisions, in the village of Nenana, suggests or holds that Indian tribes in Alaska have no jurisdiction to adjudicate the placement of Indian children under the Indian Child Welfare Act unless there has been a retrocession of jurisdiction by the United States to the village.

An earlier decision, in fact held two or three months earlier than this decision, that the village of Kaltag in Alaska had exclusive jurisdiction—the State had no jurisdiction to adjudicate the placement of a child once the child was made a ward of the Court.

Well, those decisions seem a little inconsistent, and it is hard exactly to say what authorities Indian tribes have over Indian child welfare matters. Again, that is a matter of policy which could perhaps be addressed by a commission such as this, and avoid years of litigation and uncertainty when it comes to the adjudication of child welfare matters by Indian tribes in Alaska.

Again, you cannot deal with that question without dealing with the question of the scope of tribal authority.

Another issue not mentioned in my written testimony, but which has been raised in the testimony submitted by State Representative Eileen MacLean, is that of traditional adoptions in Alaska.

Native people are caught in a Catch-22 when it comes to the traditional adoption of Native children, or the adoption of Native children sanctioned by tribal authority.

The State of Alaska does not recognize these adoptions, and the result is that a mother may, by traditional adoption, or a father, put the child in a care of a relative who adopts the child according to Native custom or by action of the tribal council. And for all practical purposes, that child is the child of the traditionally-adoptive parent.

The State does not recognize that, however, and when the adoptive parent requests AFDC assistance, the State sends a bill to the biological mother to pay for the AFDC support given to the adoptive parent, because the State will not recognize the traditional adoption.

Well, that is unfair. It is incredible. It is a matter of State policy which could be and should be addressed by this commission and could be resolved by the appropriate use of tribal political authority.

Now, I do not mean to suggest that is the end of it, that these narrow issues are all that the commission could or should consider.

As I said at the beginning, I see this commission as the bill is written to be fairly open-ended and to allow for the commission to decide what issues it will address. And there are many other issues that are related to the scope of Native political authority that are matters of Federal policy that could be addressed by such a commission, and I am thankful to say that I guess the bill seems to be written to permit the commission to have scope to decide the breadth of its inquiry.

I would also like to emphasize that the question of Native governments and their relationship with elements of State government is one that does not simply await on the pleasure of the State, or perhaps even on the pleasure of Congress. There are local governments in Alaska, as you are all aware, and among these are home rule boroughs and general law boroughs.

Attached to my testimony is an ordinance recently adopted by the Northwest Arctic Borough, one of the newest boroughs in Alaska, which recognizes and offers a means of coordinating political relationships between the borough and the tribal governments within the borough. This is an independent action taken by this element of local government to recognize tribal government within the borough's boundaries to better facilitate the relationship of borough governments to tribal governments.

Perhaps this is a model for the State to consider as well. Indeed, the ordinance was drawn from other State statutes in Oregon and New Mexico, which establish methods of coordination and cooperation between tribal and State governments. So the pattern is already there.

Finally, Mr. Chairman, I too would like to address the question of the makeup of the commission. I think it has been said in other words here that these commissions are only as effective as the people and as the vision of the people that are appointed to them and who staff them.

And so it is very important that the commission be staffed and the members be people who are going to have the imagination and the courage Julie Kitka mentioned, and I think that is very important.

Something has been said today to allay the concern that appears on the face of the bill that there will only be three Native members of the commission. It is, I think, vital that there be a substantial number of Native people on the commission, if the commission is going to represent the diversity of Native cultures as is the mandate of the bill.

You simply will not be able to have a representation of diversity of Native cultures in Alaska with only three people, perhaps you can achieve that with at least seven members.

The Tlingit and Haida Central Council is on record, and I certainly have thought this through, too, of supporting the suggestion that the Native members of the commission should be appointed by and identified by the Native people themselves.

Mr. Chairman, I think that is possible without directing the President or the Governor to make those selections. It does seem to me that the Congress of the United States could authorize other bodies—in this case we have suggested and you will hear suggested in other testimony that the Native nonprofit contractors within the State are the ones who are capable of identifying the people for this commission.

That is because those contractors are the ones who are directly involved and responsible to the villages for addressing the social concerns and the social problems that this commission has intended to focus on.

That is the job of those contractors. There are some 30 BIA contractors in Alaska that contract for BIA programs, and that includes a number of individual villages as well as the 12 non-profit service delivery corporations or tribal organizations, and that offers a broad spectrum of Native viewpoints, but especially viewpoints which are focused on the social concerns and social problems from which to draw and identify the members of the commission.

That, in my view, is an ample justification for using such a mechanism as has been suggested, using the five BIA agency areas and the tribal contractors in those areas to identify members of the commission.

That concludes my remarks, Mr. Chairman. Again, I do appreciate the opportunity to be here and to address the committee.

Thank you.

[Prepared statement of Mr. Case appears in appendix.]

The Chairman. Thank you very much, Mr. Case.

Mr. Miller.

STATEMENT OF LLOYD MILLER, ATTORNEY, SONOSKY, CHAMBERS, SACHSE, AND MILLER, ANCHORAGE, AK

Mr. Miller. Thank you, Mr. Chairman.

It is an honor to appear before your committee.

My name is Lloyd Miller. For the record, I am a partner with the law firm of Sonosky, Chambers, Sachse, and Miller.

For the past 11 years, I have had the privilege of representing Native Americans in the United States from coast to coast, including Alaska. Over half of that time has been spent in Alaska representing Alaskan Native interests, both tribes, corporations and regional service organizations.

This morning, my testimony is presented on behalf of five organizations which are unable to appear in person, although they have appeared before you many times before. These are the Alaska Native Health Board, the Association of Regional Health Directors—two Statewide organizations—the Kodiak Area Native Association and the North Pacific Rim, which are each non-profit service organizations established by the villages within those respective regions—and the Sitka Community Association.

In my testimony that has been submitted for the record, the written testimony, I outline at greater length the identity of these organizations. I would like to briefly pause for a moment with respect to two.

The Kodiak Area Native Association and the North Pacific Rim are the non-profits that cover Prince William Sound and the Kodiak Island areas, and on their special behalf, I would like to thank the Chairman for his very sensitive remarks regarding the coverage of the oil spill.

Fully 90 percent of my time since March 24 has been spent in litigation against Exxon and Alyeska arising out of oil spill. The villages are terrifically impacted not only by the spill, but also by the lack of American public interest in the status of the Alaskan native people affected by the spill, and their apparent preference to take care of the animals and not the people. So, thank you, Mr. Chairman, on their special behalf.

I must also extend gratitude on behalf of the entities that we represent to the Chairman, to the Alaska Delegation and to the AFN for the excellent work that has taken place before today in developing a commission proposal.

Our clients believe that a commission is needed, and that the time has come for this commission, and they wholeheartedly endorse the concept of a commission. I would like the record to be clear on that.

I think that the Chairman will find that there is a remarkable unity of opinion among all the witnesses that have testified from many different walks of life among the Alaskan Native community.

Among these consensus points are that the commission must have a substantial number of Alaskan Native people, just as the American Indian Policy Review Commission did so for American Indian people.

There is also a substantial consensus that those individuals should be selected, through some means that is constitutional, by the Alaskan Native people themselves.

With regard to the specific mechanics, there have been several suggestions offered.

I would like to offer my support and that of the Alaskan Native Health Board, the Regional Health Directors, the two non-profits and the individual IRA tribe which I represent to the proposal for a geographically diverse appointment process geared to the five agencies established by the Bureau of Indian Affairs.

There are five agencies or superintendencies. They have been named earlier—the Bethel, Nome, Fairbanks, Anchorage and—it is called Anchorage, but it actually encompasses all of southcentral Alaska—and Southeast Alaska out of Juneau.

These five areas are fairly representational. They represent a fair geographical and cultural diversity. Within those five areas, there are several contractors which Senator Murkowski correctly pointed out are primarily contractors with the Bureau of Indian Affairs.

These areas also include, within their respective areas, the 12 regional non-profits such as the Senators are familiar with. Of these

BIA contractors, nine of the 12 also implement Indian Health Service programs.

The spread of subject matter covered by these organizations is fully consistent and fully complements the scope of the commission. That is, these organizations implement health care programs, alcoholism treatment programs, suicide prevention programs, education programs, economic development, adult vocational training programs, housing improvement programs, and programs to strengthen tribal self-government.

In every area that the commission wishes to focus on, these are also the entities which implement State policies through grants—aggressive grants which the State has awarded to these organizations, in addition to Federal contracting with the Indian Health Service and the Bureau of Indian Affairs and the Department of Housing.

These are the entities that have the greatest familiarity, beyond the bureaucrats, of what State policy and Federal policy is doing in Alaska, and what the programs are in Alaska that the State and the Federal Government have, in their wisdom up to date, authorized.

It is for that reason that we have suggested that the contractors within these separate regions be the appointing entities.

We also, however, view the value in a statewide perspective, and we think that AFN has that excellent role to play. There are other statewide organizations such as the Native Health Board and the Regional Health Directors, and in the processes of the past akin to this process, AFN has consulted with those entities, and that is an appropriate process.

We believe very strongly and agree 100 percent with the testimony that you have heard today from the other witnesses regarding the composition of the committee, and are anxious to work with the committee to develop a constitutional basis for achieving that result.

There are other areas of concern that I have highlighted in the testimony. I know the hour is drawing late, and I would like not to occupy the Committee with those concerns. We have laid them out in detail.

One theme perhaps I should add. The commission right now is named a Federal-State commission. If the suggestions regarding membership are accepted by the Committee, it will be a Federal-State-Native commission, and that would be appropriate.

We believe that a great source of the responsibility to respond to the social and health concerns of Alaskan villages rests with the villages themselves. I think it would be a mistake—and Janie Leask pointed this out eloquently in her testimony last March—for the Native people of Alaska to say that all the blame rests with the Federal Government or the State of Alaska, or, put differently that all the responsibility to heal the wounds in village Alaska rests with the Federal and State Governments.

The Native villages themselves have a role to play, both directly and through their regional non-profits, and we think that it would be legitimate for the commission to include within the scope of its work what meaningful role and contribution the villages can make and their regional consortia can make, in addition to the contributions that can be made by the State of Alaska through the legislature and the United States through the Congress.

With those remarks, I would like to open it up for questions, Mr. Chairman. Thank you very much for your time.

[Prepared statement of Mr. Miller appears in appendix.]

The **Chairman**. I have listened to the testimony of all of you rather intently. I will start with yours, Mr. Miller.

As Chairman of this committee, I have a few perks, and one is to recommend to the staff.

I hereby recommend to the staff that the name of this commission be changed to Joint Federal-State-Native Commission on Policies and Programs Affecting Alaskan Natives. I think your suggestion is a good one.

But I will not dwell too long on it. We do have a Constitution, and the Constitution would frown upon any person or organization, including the Congress, dictating to the President whom he should appoint.

We can strongly recommend. Therefore, the report of this committee becomes exceedingly important because it will set forth in writing the intent of the Congress when it passed the measure—when it approved the measure.

When the President looks at it, he will see recommendations from this Congress. We will respectfully recommend that he confer directly with Alaskan Native organizations in the selection of natives on the commission.

Realistically, I would suggest that if this measure becomes law—and I have no reason to doubt that—you work out a system whereby all recommendations be submitted through your Congressional delegation. That is the practical way of doing business.

I have been here a little longer than most people, and I have learned—sometimes painfully—that that is the way it should be done.

Thirdly, I think it is very important as to who is going to be the cochairmen. You know that the Governor is selecting one chair, and the President will be designating another chair.

Because these two persons will be responsible for the establishment of the agenda—keep in mind that there is a time element involved in this law. It says that a report must be filed within 18 months after the first meeting.

A report must be filed, and I would assume that no matter how brilliant a staff you may gather, a staff will take time to collate and gather all information and present it in a readable form in a report.

So I am assuming from past experience that it will take at least 45 days to come up with a report. People have to do proofreading and all that business. In fact, 45 days is really expediting it.

That does not leave much time for field work, and no matter who is on the commission, you cannot expect the commission to spend 15 months on the road. After all, they have their other responsibilities. They may be businessmen, they may be schoolteachers. I do not know who the appointees are going to be.

But I would assume that in the so-called 15 months of field work, they may be on the field at the most for 60 days. That is a long period, believe me, for hearings.

That 60 days--the agenda will have to be limited. So keep that in mind. In our report, we would suggest, respectfully but in strong language, what should be included in the agenda. Therefore, I am inviting all of you to participate in the process that we call report drafting.

We cannot take three months to draft a report now, unless you want this to be handled three years from now. We have to do this in the next couple of weeks.

Also, keep in mind that this commission goes out of existence 18 months after you file the report, and that is just for housekeeping, primarily. But the important part is that at the most, you will have 15 months of work, with the remaining time for technical report drafting. That does not leave much time.

Therefore, it becomes exceedingly important as to who becomes Chair, and equally as important who becomes the staff director and the senior staff.

This is where I would be fussing. That staff director will be on the job 24 hours a day, 18 months or 36 months. That is the staff director that has the ear of the Chairman, and will tell the Chairman, "I think we should be spending more time on this item over that item." I will not be fussing around as to whether Bethel should be represented, or Anchorage should be represented.

I would get together and come up with three or four names of an Alaskan Native that you can look up to with full trust and confidence and submit those names.

That is where the action is. And that is the person who can decide what is going to happen in the committee. I cannot do the work on this committee myself, no matter what commitment I make. It is the staff that does it.

If it were not for Eric and Patricia here, I do not think this hearing would have been held. And so, I am just suggesting to you, focus your eyes on the matters that really will affect the outcome.

So, once again, I reiterate my invitation. My staff is hereby respectfully advised to discuss with all interested parties on what should be in the report language. The hearing record, for example, will be kept open until September 7, so that if you have any addenda that you would like to submit, or any clarification or additional statements, please feel free to do so.

You can advise your membership to do the same, and to show you the intent of this committee, a mark-up will be held on this bill on September 8.

So we are not wasting time.

September 7 is an auspicious day. That happens to be my birthday. [Laughter.]

If you want this to be a success, you had better get your materials in by then.

I really have no questions because we are on the same team. We are on the same wavelength.

I agree with you wholeheartedly. I want to see this commission become law, and as the provisions of this bill will indicate, I am an ex officio member, and I intend to use that position as effectively as I can.

I can assure you that it will not be in name only, and I am certain that the members of the Alaska Delegation feel the same way.

I would like to have you, for example, in the drafting of the committee report, clarify a few things. For example, it says the chairman of the select committee or his designated representative.

Does that mean that designated representative must be a member of this select committee, or must he be a Senator, or can I designate Dr. Zell? These things have to be clarified. That is why the report is very important.

So, you think about all these things. There are many things, and what I am trying to suggest to you is to focus your energy on what I consider to be the important elements involved in forming a commission.

And it is important to have a few people who are attractive to the media. I can assure you that if you had Paul Newman on the commission, you will have cameras there all the time, and it makes good sense to have people like that around.

And so, let us all work together. Start thinking about whom you would like to have on the commission, but never dictate to the President whom you want. Be most respectful in your presentation and present them through your Congressional delegation.

If it goes directly to the President, I can assure you his fourth assistant will acknowledge it, and it will end there. You will not go beyond that point. But if Senator Murkowski or Senator Stevens should submit that, I can assure you that it will get up at least to Governor Sununu. And if they pick up the telephone, it will get on the President's desk.

So it is up to you. Do you want to put on a show, or do you want to have results? If you want to have results, work through your delegation.

Do you have any other words before we close? If not, I thank all of you for traveling these long distances to be with us.

I can assure you as one member of this committee that your effort will not have been in vain. Thank you.

[Whereupon, at 12:28 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

OPENING STATEMENT OF SENATOR JOHN MCCAIN AT THE SELECT COMMITTEE HEARING ON S. 1364 ON AUGUST 3, 1989

Mr. Chairman, I would like to express my appreciation to you and to Mr. Murkowski for your fine work on this bill, S. 1364 which would establish a Joint Commission on Policies and Programs Affecting Alaska Natives. This Committee has heard much testimony over the years on the problems of high rates of suicide, alcoholism, and unemployment among American Indians in this country. Yet, these problems are not exclusive to Indian country in the "lower 48", and from the testimony we have received in the recent committee hearings the tragedy facing Native Peoples in Alaska is reaching dramatic proportions.

I welcome this legislation as a means to review the social and economic condition of Alaska Native Peoples in order to provide effective economic and educational opportunities to Alaska Natives. I look forward to the testimony we will receive today on this legislation, which has received the endorsement of officials from the State of Alaska and representatives of several Alaska Native Corporations.

STATEMENT OF SENATOR STEVENS
PUBLIC HEARING
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
S.1364
AUGUST 3, 1989

I would like to take this opportunity to once again commend the Chairman for his support and concern for my constituents in the Alaska Native community, to thank Senator Murkowski for introducing the bill, and to thank Senator McCain for his cosponsorship. The Alaska Native community itself is to be commended for its support of this bill, and for its commitment to the process, and for Alaska Natives' efforts now to address their health, social and economic problems through efforts in their own communities.

The goals of this bill are a review of the policies and programs through which both the State and Federal governments have sought to improve the lives of the Alaska Native people. All of us have seen the impact of alcohol and substance abuse as both the cause and effect of grim statistics detailed in the AFN report "A Call to Action." The key to the Joint Commission's success is the support of all parties involved, and I look forward to working with all participants to find new ways to address these continuing concerns.

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Ambler
Anaktuvik Pass
Atqasuk
Barrow
Buckland
Deering
Kaktovik
Kiana
Kivalina
Kobuk
Kotzebue
Noatak
Noorvik
North Slope
Borough
Northwest Arctic
Borough
Nuiqsut
Point Hope
Point Lay
Selawik
Shungnak
Wainwright

Testimony on the Joint State and Federal Commission on the Status of Alaskan Natives. by: Alaskan Representative Eileen P. MacLean

As an Inupiaq Representative of Alaska House District 22, I support the bill to establish a Joint State and Federal Task Force on the Status of Alaska Natives. This bill is long over due and its focus will have a positive impact on the Alaskan Natives.

The lack of technical assistance, confusing and complex application requirements, and complicating regulations are interfering with the delivery of services to indigenous people in Alaska.

While many health and welfare programs and educational institutions are offered by the state and federal governments to improve the well being of indigenous people, the regulations and technical requirements placed on their availability often inhibit the ability of indigenous people to access them. State and Federal accounting methods and application processes can be complex and confusing to those that have no history in bureaucratic proceedings. It is important that the methods of delivery do not prevent the receipt of services to indigenous people. It is, therefore, important that we review these procedures and regulations to determine if more efficient means of delivery can be established. To assure that services are delivered, it may be necessary to provide further technical assistance in many areas.

HEALTH CARE

In Health care, the expansion of available programs has been accompanied by the increase in eligibility requirements. For example, PHS/IHS hospitals in our regional centers are required to fulfill state and federal regulations. The administrative time necessary to fulfill these requirements consumes important staff time and hospital resources. Yet, Alaskan Natives continue to receive minimum health care services. These health care facilities are ill equipped and are understaffed by health professionals. It is common practice for most hospitals to utilize interns or "borrow" a doctor or nurse from a nearby hospital when there is a shortage of qualified health care professionals on site. The quality of health care services being offered to our Alaskan Natives does not measure up to the same quality of services being provided to residents in urban areas, who also have access to public and private health services which vary depending on the illness and disease.

It is devastating to hear of patient experiences who were improperly diagnosed including those who did not receive adequate treatment. To maintain the trust and faith in our health care centers in rural Alaska, I urge this joint state and federal committee to effectively explore the policies and regulations of health care centers in rural Alaska. These services need to be critically looked at.

FOOD STAMP PROGRAM

To qualify for the food stamp programs, clients are required to fill out a booklet of applications which are very technical in content. It is difficult for a client to complete this application without technical assistance from someone to interpret its contents. This application needs to be structurally redesigned to be more culturally relevant to the Alaskan Native population. As it is, many clients are not adequately being served by this program because of the lengthy applications and requirements.

NATIVE ADOPTIONS

The State of Alaska does not fully recognize the cultural adoptions in child placement programs which creates a burden for Alaskan Native families. In our regional centers, the state operated programs involved in providing foster care and in children adoption cases are not culturally sensitive and consequently place children in non Native homes despite the wishes of the child and their kin.

NATIVE ALLOTMENTS

Since the passage of the Alaska Native Claims Settlement Act in 1971, many Alaskan Natives continue to experience problems in efforts to claim their Native allotments. It is distressing to hear of Native shareholders who experience problems with state, federal, and private land managers who adhere to their rules and regulations that sometime overlap. Since 1971, very few Alaskan Natives have claimed their Native allotments and many allotments remain unresolved. This is unfair for Alaskan Natives who so rightfully deserve at least a small parcel of the vast amount land that was traditionally occupied by their ancestors.

TRAVEL

There exists at least 229 villages in Alaska that are only accessible by air transportation. The distance between most of these villages varies, but the travel costs between villages is outrageous and unaffordable. It is especially costly to ship freight to nearby villages let alone the urban centers. In addition, the mail service is inefficient and very slow resulting from weather conditions technical, mechanical and human errors. To improve the air and ground transportation, I urge the committee to review the airline and postal regulations.

The complexity of these policies often serves as a detriment to Alaskan Natives who are continually being treated as second class citizens. This results from the quality of delivery services being offered by the state and federal government which are substandard. It is time to resolve the problems and inequities in these deliveries systems to ensure that Alaskan Natives are recognized as first class citizens. For this reason, I support the work of this committee and I offer my assistance to help improve the well being of our indigenous people.

STATEMENT OF EDDIE F. BROWN ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS, ON S. 1364, AN ACT TO ESTABLISH A JOINT FEDERAL-STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES.

August 3, 1989

Mr. Chairman and members of the Committee, I am pleased to be here to present the Administration's views on S. 1364, which would establish a joint federal-state commission on policies and programs affecting Alaska Natives.

While we support the partnership approach in reviewing the problems of Alaska Natives and developing solutions that is contained in S. 1364, we believe the creation of a Commission is not the proper vehicle to address those problems. Therefore, we cannot support S. 1364.

In general, the Administration has found that Commissions and their studies do not solve the problems that they are created to address, and commonly are the most costly way to attempt to reach solutions. The Administration has a number of specific objections to the Commission proposed in this bill. The Commission would be prohibitively expensive (salary expense for 14 GS-18 level positions for over 18 months, support staff, travel and hearing expenses); it would be exempt from the Federal Advisory Commission Act; and its employees and consultants would be exempt from the conflict of interest laws. In addition, the prerogative of the President to remove political appointees is restricted, and the state co-chairman is potentially given the power to direct services of the executive branch. Most importantly, we believe that these funds can be better spent assisting the Alaska Natives now, rather than being spent to fund another Commission.

We do share the concerns of this Committee on the need to review public policies and programs affecting Alaska Natives, and the desire to make such policies and programs more effective. We commend the Committee and its Chairman for this bipartisan approach to looking at the problems faced by Alaska Natives, and in developing solutions. I also believe it is incumbent on all of us when faced with the kind of alarming statistics on Alaska Natives, to support unique and innovative solutions. I am a firm believer that cooperative solutions developed at the local level are the best way to deal with local problems.

Various commissions have been formed and reports relating to the Alaska Natives have been prepared over the years. In addition, Congress has held numerous hearings on the Alaska Native Claims Settlement Act amendments, particularly the so-called 1991 amendments, the Tongass National Forest, the Arctic National Wildlife Refuge, the Alaska National Interest Lands Conservation Act (ANILCA), Marine mammals, and many other issues affecting Alaska Natives. Numerous statutes have been passed in the last 20 years attempting to meet the Alaska Native needs, yet these efforts could go further in promoting the desired goals of economic independence, self-determination, and preservation of the cultures of the Alaska Native people.

Now is time to do something with all of that data that has been acquired. Therefore, I am proposing, on behalf of the administration, an alternative solution which will more quickly begin to meet the current needs of Alaska Natives.

I propose the formation of a cross-Agency task force composed of appropriate Federal agencies involved in Alaska Native affairs, working in partnership, concert, and full consultation with the Governor of the State of Alaska, and three representatives selected by the Alaska Natives. The task force would immediately review all existing and draft studies relating to policies and programs serving Alaska Natives to determine the currency, validity, and relevance of their findings. The task force would further make sure that the data and particularly the problems defined in those studies are still current (and if not current, collect up to date data), perform complete analyses and then develop concrete recommendations. We believe this approach would be a more efficient and economic resolution of these pressing problems.

It is my hope that this Committee would support the alternative I am offering. Secretary Lujan is prepared to immediately contact his counterparts in the Cabinet to set the Federal portion of this task group in motion as we do not wish to delay any longer on our obligations to solve these problems. It is my hope that the Governor will work with this task force and make the comparable commitment of resources previously offered for the Commission proposed in this bill. Lastly, and most importantly, we (the State and Federal agencies) cannot and would not begin to attempt to address the problems of Alaska Natives without their full participation. Therefore, I hope the Alaska Natives will join this Administration in a new pro-active partnership in finding solutions for Alaska Native problems.

Thank you for this opportunity to testify and I would be pleased to answer any questions the Committee may have.

TESTIMONY OF KAY E. MAASSEN GOUWENS
BEFORE THE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
AUGUST 3, 1989

Mr. Chairman, Members of the Committee:

My name is Kay Gouwens and I am Special Assistant Attorney General for the State of Alaska. It is my privilege to testify this morning on behalf of Governor Steve Cowper and the State of Alaska in support of Senate Bill 1364, a bill to establish a Joint Federal-State Commission on Policies and Programs affecting Alaska Natives.

Creating such a commission was a principal recommendation of the Alaska Federation of Natives in its very compelling Report on the Status of Alaska Natives: A Call for Action. Five months ago today, the Committee held a hearing on that report here in Washington. As you may recall, the Governor testified personally on that occasion, and endorsed the Commission in concept. He is pleased to now support the bill that sets that concept on the road to reality.

As a general rule the Governor is somewhat dubious about the value of commissions of this type. Alaskans have seen many a State or federal commission come and go, their reports placed on shelves and largely forgotten, the hard work of their members wasted and ignored. While it appears to us that most Alaska Natives support creating the Commission, we also know that you have heard from some who believe it would simply be a waste of time and money. We expect you will hear varying opinions on that question today.

Ultimately, the success of the Commission can be assured only if it has the confidence of Alaska Native people. There are, however, at least three reasons why the Governor thinks this particular Commission is appropriate and, with Native support, can help us find solutions to the problems faced by Alaska Natives.

First, the data compiled by the AFN graphically demonstrate that the problems facing Alaska Natives have reached crisis proportions. Those problems are so immense, and so inter-related, that they cannot readily be addressed within the normal framework of government decision-making. Innovative thinking, a re-examination of first principles, and a fearless critique of current policies and programs are called for.

Second, because both the State and federal governments provide services to Alaska Natives, it is important that we try to avoid wasteful duplication of effort or, worse, working at cross-purposes to each other. Some State and federal agencies have already begun ad hoc efforts to better coordinate their programs, but there are limits to how far such efforts can go without the kind of formal structure the Commission could offer.

Third, Senate Bill 1364 would structure the Commission in a way that should afford it a high level of visibility and deference, by providing that key lawmakers in both the State and federal governments -- including the Chairman and Co-Chairman of this Committee and Alaska's Congressional delegation -- will serve as non-voting, ex officio members.

The Governor intends to use his power to appoint seven of the Commission's fourteen voting members to further enhance the Commission's stature, credibility, and prospects for success. As you know, Senate Bill 1364 requires that no more than two of the members appointed by the President be federal employees, and that at least three be Alaska Natives. An early draft of the bill would have similarly required the Governor to appoint no more than two State employees, and at least three Alaska Natives. We understand this was changed because the drafters felt it was inappropriate for the Congress to constrain the Governor's appointment powers. However it is, of course, perfectly appropriate for the Governor to constrain his own choices. Governor Cowper has asked me to make two commitments on his behalf regarding his appointments to the Commission.

First, the Governor believes that the Commission cannot possibly be expected to succeed unless a substantial number of its members are Alaska Natives of proven leadership. He therefore commits to you that at least three of his appointees will be Alaska Native leaders, and that he will endeavor to ensure that a variety of viewpoints within the Native community is represented.

Second, while State employees have been at the forefront of the search for solutions to the problems facing Alaska Natives, and the Governor therefore believes that State employees will make a valuable contribution to the Commission, he is sensitive to the viewpoint that State and federal employees should not dominate it. Therefore, he also commits to you that not more than two of his appointees will be employees of the State of Alaska.

In short, the Governor will voluntarily bind himself to the same criteria that govern the President's appointments.

Finally, a word about State support of the Commission. The bill you are considering today provides that, if an agreement for the equitable sharing of the Commission's expenses is not reached by the State and federal governments within a reasonable time, the Commission shall proceed without any members appointed by the Governor. The Governor cannot offer an iron-clad guarantee of State funding in the absence of an appropriation by the State legislature. However, as proof of his commitment to the Commission and its mission, the Governor will include a request for $300,000 of State funding for the Commission in the budget he is scheduled to submit to the Legislature in January of next year. In addition, State agencies will be directed to cooperate with the Commission to the greatest extent practicable.

In closing, I would like to thank the Committee for this opportunity to present the State of Alaska's views, and for your continued dedication to our common goal of improving the lives of Alaska Native people.

Testimony Of

Will Mayo
Special Assistant to the President
Director of Planning of
Tanana Chiefs Conference, Inc.
122 First Avenue
Fairbanks, Alaska 99701

on

S. 1364

Federal - State Commission on Policies and
Programs Affecting Alaska Natives
before the
Senate Select Committee on Indian Affairs
Washington, D.C.

August 3, 1989

Mr. Chairman, members of the Committee, my name is Will Mayo, I am Special Assistant to the President of Tanana Chiefs Conference and wish to express my thanks for the opportunity to testify before you today on the establishment of the Federal/State Commission on Alaskan Natives.

Tanana Chiefs Conference is a regional Native non-profit corporation serving as a tribal consortium for the 43 member tribes located within the Tanana Chiefs region. Our region is geographically the largest region in the state, covering an area approximately the same size as the state of Texas and located in the Interior of Alaska along with drainages of the Yukon, Kuskokwim, Koyukuk and Tanana Rivers. TCC contracts to provide a wide range of services on behalf of our member villages under the provisions of the Indian Self-determination Act from the Indian Health Service, and the Bureau of Indian Affairs. TCC also contracts for other services within the region from the State of Alaska

In reviewing the proposed languages in S.1364 we have a number of concerns regarding the legislation which can be generally grouped into three categories; the organization of the Commission, the focus of the Commission, and the existence of the Commission.

ORGANIZATION OF COMMISSION

As we understand the proposed organization of the Commission, it is to be organized with fourteen (14) voting members, seven (7) to be appointed by the President, and seven (7) to be appointed by the Governor of Alaska. There are a number of ex-officio members, including the President of the Senate, Speaker of the House, State Legislature, Chairman of the Senate Select Committee, and others. Of these members, only three (3) of the federal appointees are to be Alaska Natives. We are very concerned about the lack of Native representation on this Commission, which is charged with the responsibility of recommending policies which will so significantly affect the lives of Alaska Natives in the future. We strongly believe that the structure of the Commission should be adjusted in order to provide direct Native representation on the Commission. So often in the history of Indian people, policies have been formulated without truly representative participation by Native people. The results of such efforts have often resulted in policies which have only exasperated problems and stimulated future conflict between Native people, states, the federal government, and non-Native neighbors. We believe it is important that the Native people be directly represented and believe that such representation will improve the Commission's processes. We would request that you allow us to help you identify our people's realistic needs in order to provide for our future survival as a people. We therefore favor a restructuring of the proposed Commission to provide for seven (7) Native representatives and eight (8) federal/state representatives. Four (4) of the latter to be appointed by the Governor of the State, and four (4) to be appointed by the President. We believe that such a structure for the Commission will assure both balance and Native representation among the voting members.

Currently, Native representation is somewhat divided. Specifically, the Association of Village Council Presidents (AVCP) representing 56 villages in the Yukon-Kuskokwim Delta and the Tanana Chiefs Conference (TCC) representing the 43 villages of the Interior of Alaska are currently not members of the Alaska Federation of Natives (AFN). These two (2) regions comprise slightly less than one-half of the rural Alaska Native population and slightly less than one-half of the total number of Native villages in Alaska. Therefore, it is obvious that a single State wide native entity exists which can appoint the Native representatives. TCC can tentatively endorse an approach suggested by Tlingit-Haidia Central Council to provide that each geographic area encompassed within the five (5) BIA agencies of Alaska have a representative, with an extra appointment for the Anchorage agency and one at-large representative. However, the details of this plan have yet to be fully developed. We would gladly work with the committee to develop the details of this plan.

Our second concern, with regards to the organization of the Commission, regards staffing. In its current form the bill does not adequately address Commission staffing issues. It has been our experience that often special Commissions are appointed and that new staff is hired which lacks any realistic experience in dealing with Alaska Native problems or Alaskan situations. We believe that there is a great deal of talent existing within the tribal contractors, State and federal governments, who could greatly assist the Commission. Currently, the bill only authorizes the detailing of federal personnel to the Commission, on a non-cost reimbursable basis. We believe that the bill should also permit detail of personnel working for a Native organization contracting under P.L. 93-638 (Indian Self-Determination Act) and that such staff should be treated as federal personnel. State personnel should also be eligible for detail to the Commission, and that their salary should be credited against the State's contribution to the Commission.

In this way we believe that the Commission staff will have the necessary expertise to deal with the complicated issues surrounding Alaska Natives in a professional manner at the earliest possible time. We believe that such expertise should also reduce the cost of the Commission by allowing the Commission to complete its work without having to assume the cost and the time delays necessary to properly educate staff, which otherwise might not be familiar with Alaska and Alaska Native issues.

Similarly, we are concerned about the accessibility of the Commission, both in terms of the accessibility of the Commission to Alaska and the accessibility of Natives to work with the Commission. To accomplish this we would make two (2) proposals: first the principle offices of the Commission should be located in Alaska, and second that a majority of the hearings be held in Alaska. In this way, Commission staff and Commissioners would have the maximum access to the target client population of Alaska Natives and to Alaska. Such on-site access would certainly assist in gathering information. Additionally, it would assure that Alaskan Natives could participate fully in the Commissions processes and that the Commissioners hear from and have access to the target population of Alaska Natives.

FOCUS OF THE COMMISSION

The focus of the Commission contained in Section 4 of the bill is vague. In particular, paragraph 3(A) provides little direction in terms of the focus of the Commission. The Commission's charge under this section is extremely open ended. The legislation was stimulated by the 1989 report of the Alaska Federal of Natives titled: "Call for Action". That report noted six findings relating to a need to study the following issues: 1) alcohol and drug abuse and mental health problems in the villages, 2) physical health status, 3) village economic self sufficiency, 4) private sector economic development in the villages, 5) impact of public sector spending on village economies, and 6) Native education. These are the points which AFN issued its call for action, and we believe that this is the appropriate scope of the Commission. Paragraph 3(B) of Section 4, distinctly addresses all of these concerns and provides a focused area of inquiry for the Commission, we would therefore request, paragraph 3(A) be deleted from Section 4.

EXISTENCE OF COMMISSION

As we testified earlier before this Committee, TCC has serious concerns over whether or not this Commission is the appropriate response to the call for action issued by AFN. However, if this Commission is to be formed the cooperation and participation by the state of Alaska is essential. As we testified earlier the federal governments policy towards Alaska Natives in recent years has been fairly consistent with its policies towards Indian tribes in the Lower 48. The major exception to this is the land tenure system established under the Alaska Native Claims Settlement Act. However, the policy of Indian Self-Determination which is the prime thrust of current federal policy has been the federal policy in Alaska for sometime. The policies of the State of Alaska compliment federal policy in many respects towards Alaska Natives, however, there are substantial areas where state policy tends to frustrate federal policy. We think that it is imperative that state and federal policy be coordinated and that state policy be formulated in a manner that fully reflects the preeminent role of the federal government in formulating policy on Alaska Native issues. We believe that the usefulness of the Commission directly relates to the willingness of the state to participate in the Commission's process. Therefore we would recommend that the existence of the Commission be dependent upon the state assuming a fair and equitable share of the cost of the Commission. Under the current bill as written, the failure of the state to participate and to assume its share of the Commission's cost, merely precludes the states representatives from voting on the business of the Commission or receiving compensation or expense reimbursement from the Commission. We think that this is inadequate given the importance of the states participation in the Commission to resolve many of the policies problems facing Alaska Natives the Commission should not be created unless the State assumes an equitable share of the Commissions costs.

We should also note that the current bill merely requires an "equitable" contribution from the State. This is extremely vague. We would recommend that the State of Alaska's equitable contribution for the operation of the Commission be 50% of the cost of the Commission.

CONCLUSION

Again I wish to take this opportunity to thank you the members of this committee in allowing me the opportunity to testify today, we hope that you find our comments useful and informative.

COMMENTS OF THE ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS ON S. 1346, A BILL TO CREATE A JOINT FEDERAL-STATE-NATIVE COMMISSION ON ALASKA NATIVES

Mr. Chairman and members of the Senate Select Committee. My name is Anthony Vaska, and I am here on behalf of the Association of Village Council Presidents (AVCP). Thank you for inviting AVCP to come before you to comment on the formation of a Joint Federal-State-Native Commission on Alaska Natives.

AVCP is a non-profit Native corporation that represents the 56 Yup'ik Eskimo Villages in Southwest Alaska. The entire AVCP region is extremely remote. No part of the region is connected to any statewide road system, nor are any of the villages connected to each other by road. Travel between villages or to other regions of the state is by airplane, boat, snowmachine or dogsled. Tradition, culture, and the subsistence way of life remain extremely important to the Native people of the AVCP region. The Yup'ik language thrives, and continues to be the first language of many Native people. A large part of AVCP's day to day work is directly related to the problems and policies which the proposed commission is intended to review.

AVCP commends Senator Murkowski for the work he has done in proposing this commission, and the State of Alaska for its support of the proposed commission. AVCP supports the concept of a commission, but strongly feels that any such commission must be structured in a way to allow meaningful participation by Alaska Natives.

There can be no doubt that there is a need to review current public policy affecting Alaska Natives. As recognized in Section one of this bill, public policy designed to protect Native traditional cultures, subsistence economies, village self-determination, and economic self-sufficiency have fallen far short of their intended goals. The resultant problems of alcohol abuse, violence, dire health conditions, and others cited by the bill beg for a solution. A commission that is focused, and one that has the necessary insight into these policies and problems, would be welcomed and embraced by AVCP.

Therefore, AVCP comes before this committee today with some suggested changes to this bill which we feel will help create a commission capable of crafting a solution to some of these critical problems. The proposed changes are introduced to help insure that those Alaska Natives who live with, and are affected by, the policies and problems to be reviewed are meaningfully represented on the commission. Only with the insight and perspective that these Alaska Natives can provide will the commission accomplish the crucial goals that it is set to achieve.

The primary changes that AVCP suggests have to do with the number of Alaska Natives to be appointed to the commission, and the method of their appointment. Section three of the bill as currently written would create a twenty-three member commission of which only six are required to be Native. The six Native members are to be appointed by the President and the Governor. AVCP recognizes the insight and wisdom that the Federal and State appointees would bring to the commission. However, AVCP believes that there should be an equal number of Native and non-Native voting members on the commission. AVCP also strongly feels that the Alaska Natives themselves should be allowed to appoint the Native members of the commission.

A commission with an equal number of Native and non-Native voting members is important to the commissions success. The issues set for review by the commission are virtually those of life and death for many Alaska Natives. It is only fair that Alaska Natives have an equal voice in a commission which has the potential to so drastically change their lives. In addition to simple fairness, equal representation will help insure the credibility of the commission's findings to all affected parties. Such credibility is imperative if the commission's recommendations are to be implemented effectively. Even the most thoughtful of recommendations needs the heartfelt backing and participation of the Natives themselves in order to succeed.

Therefore, AVCP suggests that Section three of the bill be amended to allow both the President and Governor to appoint four voting members to the commission, none of whom need be Alaska Natives. Alaska Natives themselves would also appoint eight voting members to the commission. The other members of the commission listed in Section 3 (C) - (K) would be non-voting members of the commission.

It is of the utmost importance that Alaska Natives themselves appoint the Native members of the commission. As the bill is currently written, there is no provision for Alaska Natives to participate in the appointment of commission members. The responsibility to select the Native members of the commission is left solely to the President and the Governor of Alaska. AVCP is very concerned that leaving the selection of Native commission members entirely in the hands of the President and Governor will leave important Native groups and perspectives unrepresented.

There are several reasons for AVCP's concern. Alaska Natives are composed of many different tribes and individual personalities. While the vast majority of Native people live in small remote villages, others live and work in the heart of Anchorage--where many of the Native for profit corporations are headquartered. Still other Natives live in Juneau and work for the State of Alaska. All these different groups of Native Alaskans have varied and valuable perspectives on the issues set for review by the commission. All these groups need to be represented in some proportional manner on the commission. However, AVCP's is concerned that those Natives involved in the corporate and governmental arenas will dominate the appointments at the expense of the more traditional, rural Native leaders.

This could happen because the President and Governor may be simply unaware of Native leaders which represent points of view which vary from those Natives that work and live in the Corporate or governmental sphere. Those Natives in Anchorage and Juneau are higher profile, and better connected politically. Other more traditional Native leaders from the villages, due in part to their remoteness and cultural differences, tend to be less recognized, and may be unknown to the President and Governor. It is AVCP's opinion that the Natives themselves are the only people with the knowledge and experience necessary to chose commissioners which can accurately and effectively express their perspective on these issues.

It is also AVCP's opinion that Natives need to appoint the Native commissioners to insure that various Native political perspectives are represented. AVCP and other Native groups have in the past had some very strong disagreements with the Federal and State administrations over the very issues that the commission will review. State and Federal court's are currently filled with cases in which Natives are pitted against the Federal and State administrations as they try to enforce their rights to subsistence and self-determination, and to protect their culture and traditions. On virtually every bill that comes before Congress that concerns Native Americans, the State insists on a disclaimer which has a negative affect on Alaska Natives. In all fairness to the current federal administration, it is too early to tell if it will adopt a more supportive approach on these issues. However, it is AVCP's concern that the Federal and State appointees to the commission will be primarily those Natives that will tow the State and Federal line. The Federal and State administrations will be effectively represented through their four non-Native appointments. The Native community must be allowed to appoint people who owe no allegiance outside the Natives that they represent. No real solutions to these grave problems is likely otherwise.

The request of Natives to appoint their own commissioners is in perfect harmony with the findings and purposes leading to the creation of the commission. Section one of the bill acknowledges that policies intended to protect traditional cultures and to promote village self-determination have fallen far short of their goals. That section also declares it essential to review these policies in order to assure that their goals are more fully realized. There is no better or more appropriate place to begin the effort to protect Native culture and promote self-determination than in the formation of this commission.

AVCP respectfully suggests that the scheme put forth by Lloyd Miller of Sonosky, Chambers, Sachse, and Miller offers a potential method for selection of Native commissioners. AVCP in principle agrees with the notion of that Natives from each of the five areas in Alaska served by the Bureau of Indian Affairs chose one commissioner. AVCP also agrees that the Anchorage area should appoint two commissioners, and that the AFN would appoint a one commissioner. AVCP would add to this proposal the suggestion that an eighth Native commissioner be appointed, perhaps by the other seven Native commissioners. Ideally the eighth commissioner would be an elder that is respected statewide. Some details of this method of Native appointment still need to be worked out, and this can be accomplished to meet this committee's schedule.

AVCP could not support a method of Native appointment that would allow the Alaska Federation of Natives (AFN) the sole or primary role in making Native appointments. AVCP is not a member of AFN, nor is the Tanana Chiefs Conference (TCC) whose concerns regarding the commission are nearly identical to AVCP's. AVCP and TCC represent a vast area of Alaska and close to one-half of all the Native villages in the State. AVCP and TCC do not feel that their perspective would be meaningfully represented if their role was not at least equal to the role of AFN in the appointment process. AVCP also believes that no one group of Natives, including AVCP and TCC should have too much power over the appointment process. It is very important that as many Native perspectives as possible, including AFN's, be represented on the commission. Therefore, AVCP supports the scheme outlined earlier because it allows numerous Native groups an equal chance for representation.

AVCP is confident that the entire Native community can reach a consensus on a method of appointment. The overriding concern of most, if not all Alaska Natives is that they have the power to appoint the Native members of the commission. From its discussions with AFN, TCC, and other Native groups and tribes throughout Alaska, AVCP is convinced that a method of appointment can be developed and proposed to this committee that will meet the concerns of Native Alaskans as a whole, and be supported by the various groups and tribes in Alaska.

Finally, AVCP would also like to endorse the technical amendments in sections one, two, four, and five that have been suggested by Lloyd Miller. AVCP believes these amendments clarify the scope and purpose of the commission.

In closing I am reminded of the saying that you can not know another persons problems until you have walked a mile in their Kamek'saks'. AVCP respectfully asks the members of this committee to insure that this commission, intended to review Alaska Native problems, includes a meaningful role for those who have worn holes in their's.

Respectfully submitted,
Association of Village Council Presidents

HEARING BEFORE THE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
ON S. 1364
AUGUST 3, 1989
TESTIMONY OF RICHARD STITT

My name is Richard Stitt. I am an advisor to Edward K. Thomas, President of the Central Council of Tlingit and Haida Tribes of Alaska, and am here today representing views of the Tlingit and Haida Tribes. I am also the Grand Camp President of the Alaska Native Brotherhood, and am a member of the Board of Directors of Seacalaska Corporation. Mr. Chairman and Members of the Committee, I appreciate the opportunity to testify before you on the important concept of a policy commission to address Alaska Native issues.

The commitment which this Committee has demonstrated to learning about Alaska Native issues is commendable. You have also demonstrated a commitment to follow through to develop solutions to the problems about which you have learned and which are documented in The AFN Report on the Status of Alaska Natives: A Call for Action. That is especially commendable and we appreciate it.

In the March 3, 1989 hearing on the AFN Report, Senator Murkowski voiced support for the idea of a joint federal/state/village commission to dig deeply into the root causes of these problems and develop recommendations for turning around the disturbing trends identified by the AFN Report. At Tlingit-Haida, we were at first very much in support of such a commission. We felt that it would cross boundaries of federal, state, tribal and corporate jurisdictions and get to the heart of the problems of our people.

However, as we read the current version of the proposed legislation to authorize such a commission, we see it slipping more and more away from what is really needed in our state to address our problems. Historically, our people have always taken great pride in working out their own problems, or at the very least, working with others to resolve them. As S. 1364 is presently worded, only three of the fourteen members would be from the Native community; thus, the makeup of the Commission membership does not adequately provide for Native input to represent the Native point of view. And those three would be chosen by the President, not Alaska Natives.

History has taught us that solutions imposed upon American Indian and Alaska Native tribes which are by others from outside, without full tribal participation, will not succeed. In 1975, in the Indian Self-Determination Act, Congress recognized after a thorough review of the Federal Government's relationship with American Indian Tribes that the prolonged federal domination of Indian programs has deprived Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied them an effective voice in the planning and implementation of programs responsive to the true needs of their communities. Moreover, the Congress found that, "the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons." In 1988, as you know, Congress reaffirmed this policy in the amendments to the Self-Determination Act.

In the One Hundredth Congress, the Senate, in S. Con. Res. 76, and the House, in H. Con Res. 331, reaffirmed the trust responsibility and obligation of the United States government to Indian tribes, including Alaska Natives, to assist them to perform their governmental responsibilities for their members.

It would be a mistake, and contrary to established congressional policy, to establish a "Joint Federal-State Commission." It would be a mistake to establish a commission of which only three of fourteen members are Native. It would be a mistake to establish a commission in which the Native participants are not chosen by the Native people themselves. Native involvement on Native issues is critical. The affected people must be involved if there are going to be long-term solutions to any of their problems.

We have seen other congressional commissions come and go. When the appointments are not based upon the recommendations of the affected people, and when the appointees themselves are not the affected people, the results are a whitewash, resulting in no solutions. The results of the Commission established pursuant to S. 1364 will be a direct function of who the appointees are. Even today, more than ten years after the final report of the American Indian Policy Review Commission, we are still seeing positive, concrete legislative proposals based on that report. The American Indian Policy Review Commission had six congressional members and five American Indian and Alaska Native members. The executive director and general counsel were both American Indians.

We, therefore, make recommendations for revisions in § 3(a) of S. 1364. First, we recommend that the commission be known as the "Joint Federal-State-Native Commission on Policies and Programs Affecting Alaska Natives." Alternatively, the commission could be known as the "Alaska Native Policy Review Commission."

Second, we recommend that the President appoint four members, the Governor of the State of Alaska appoint four members, and Alaska Natives appoint seven Native members. One Native member should be appointed by agreement among the Self-Determination Act contractors in each of the five BIA agency areas, except that because of the diversity in that area, two Native appointments should be made by contractors from the Anchorage Area. AFN should choose a seventh member at large.

A particular area of my concern is the vague wording regarding the purposes and duties of the Commission. We do not think it is adequate to refer to "self-determination." The language in S. 1364 does not recognize the fact that many of the problems of our people are a result of the political uncertainties in most of our smaller communities. For example, politicians and bureaucracies currently hide behind the absence of clear state policies on the issue of tribal governmental authority. This weak posture only leads to community polarization, and unless we collectively come to grips with our rights as a people, many of the resources for which we are eligible will continue to be either wasted through poor accountability or lost to other more organized areas. We, therefore, recommend that Section 4(a) be amended to direct the Commission to conduct a comprehensive study of the political status of Alaska Natives.

We should not let the fact that a number of village sovereignty groups are doing bizarre things in the name of sovereignty frighten us. They do this because of their misunderstanding of the issue. Let us not focus on the fearful, emotional parade of horribles that the word "sovereignty" brings to the minds of some. Let us not, either, do another study of alcoholism or suicide. These issues have been studied exhaustively. Let us look at tribal government in Alaska as an institutional mechanism to deal with these problems. It is important for very practical and immediate reasons to find a mechanism to deal with abused and neglected children in Alaska. It is important to find a mechanism to deal with the alcohol problems in Alaska. It is more important to develop practical solutions in small doses, rather than large bureaucratic solutions without the involvement of the people affected.

Third, in Section 1(a)(2), the reference to "individual, group, and village self-determination" should be amended to read "individual, group, and regional and village self-determination." This amendment should be made because there are both regional and village tribes in Alaska.

We will submit for the record detailed suggested revisions throughout S. 1364 regarding the appointments to the Commission and its purposes and duties.

Without more Native involvement and without an all inclusive mission for the Commission that covers tribal authority, maybe such a commission is too late. The resources planned for such a commission might be better used by a dedication of funds for direct support to some of our community-based programs. For example, we could request help from experts in the National Institute of Health to go into some of our communities where there is a high incidence of suicide to see if there is a practical solution to this problem.

We submit, however, that a better answer is to involve the Native people working together with the federal, state and tribal governments to develop suitable long-term solutions. A commission which has the meaningful participation and support of the Congress, the State of Alaska, and Alaska Natives will have a lot of credibility and therefore could only be positive.

Our final concern is that there be an adequate appropriation by the Congress to support the work of the Commission. The authorization of appropriations in § 7(3) is for "such funds as are necessary to carry out the provisions of this Act." The figure of $600,000 was in an early draft of S. 1364; and I understand that the Senate has recommended an appropriation of $300,000, with the understanding that the State of Alaska will contribute $300,000. This sum is woefully inadequate.

Thank you, Mr. Chairman. I would be glad to answer any questions.

HEARINGS
BEFORE THE SENATE SELECT COMMITTEE
ON INDIAN AFFAIRS
ON S. 1364

Mr. Chairman, Members of the Committee, Ladies and Gentlemen:

My name is Chris E. McNeil, Jr. I am a Tlingit and Nisga'a Indian and Executive Vice President and General Counsel of Sealaska Corporation, one of the thirteen regional corporations established under the Alaska Native Claims Settlement Act. There are about 16,000 Tlingit, Haida and Tsimpshian shareholders who own Sealaska Corporation.

On behalf of our people, I would like to thank Chairman Inouye and members of the Senate Select Committee on Indian Affairs for your sustained commitment to examine key Alaska Native health, social, educational, and economic issues. It is only with this kind of commitment by policy makers such as yourself, the State of Alaska, and the Alaska Native people, will we be able to make any sense of the difficult social and economic issues which face all Alaska Natives and to formulate plans and strategies for fixing them.

Sealaska concurs with the Alaska Federation of Natives testimony in support of the expeditious enactment of S. 1364. We too recognize that there is not consensus within the Alaska Native community on the composition of the Joint Commission. We too would prefer a greater assurance of Alaska Native representation on the Commission and would ask the State of Alaska to concur in an amendment to S.1364 which would assure that at least three of the State representatives would be Alaska Natives. Alternatively, we understand the Governor has informally committed to appointing at least three State representatives to the

Commission. If that is the case, we request that the Governor or his representative commit to the this hearing record that he will appoint not less than three Alaska Natives to the Commission and will seek maximum Alaska Native participation in the selection process. From our standpoint this is not an issue of distrust. We would like the Commission to stand for the positive idea that we Alaska Natives will have the chance to participate in a joint process which will resolve important Alaska Native issues. This is Native self-determination to which the Congress and the Administration has repeatedly committed itself.

The socioeconomic, health and educational issues identified by Congress in the historic 1968 Federal Field Committee report are still with us almost 20 years after the passage of the Alaska Land Claims Settlement Act. While we have cited to you massive statistics of suicide, drug and alcohol problems, and family abuse we do so because it is the language of policy makers in Congress and the Administration. But in a way these issues are much simpler and more brutal than the statistics. If you are an Alaska Native you are at risk. No one is spared, no one is untouched. I cannot think of any tribal member who has not been touched by alcohol or drugs. We tend have either have an alcohol or drug problem or trying to deal with it as an adult child of an alcoholic. I cannot think of a time when I have not been going to a relatives funeral because of drugs or alcohol. And despite the remaining strength of our culture, I cannot think of a time when the family is not weighted down, not assaulted by these issues to the point where it does not provide the support which used to hold us together as a people through the toughest of times.

Congress has thought about these issues before. It decided to create a massive social and economic experiment. It passed the Alaska Native Claims Settlement Act as a particular method to settle land claims disputes and to provide a structure which would provide continuing benefits to Alaska Native people. It provided a landmark basis of Alaska Native self determination. It is not an indictment of ANCSA to say that there are many unresolved Alaska Native issues after 20 years. It turns out that the problems were greater, they were more complex and more intractable than originally thought. It will take some new evaluation, thinking, and creativity to deal with the issues. It will take a process which we can take a step back and see and appreciate the big picture. Because effective solutions will not be just more of the same, more money and more of the same programs which will provide the cures. It will require a qualitative leap in thinking. The Commission could do this if it casts itself in the frame of mind that solutions may come from the voices of the Alaska Native people and may not fit existing boxes in federal and state programs or existing laws. It is not that we are without tools. We do have the strength or our cultures, our organizations, our tribes, and our ANCSA corporations. It may be that we have many of the pieces, but have not fit them together properly in the right position and mix. We need a broader strategy and a plan. We support the Joint Commission because we think that it is potentially an effective vehicle to evaluate Alaska Native issues and provide real solutions.

Mr. Chairman, I would like to again thank you and the Committee members for the opportunity or provide my remarks to you. I look forward to your support.

PREPARED STATEMENT OF HENRY IVANOFF, CHAIRMAN, ALASKA FEDERATION OF NATIVES

Mr. Chairman, Members of the Committee, Ladies and Gentlemen:

Today's hearing on S. 1364 is of historical significance to Alaska Natives for two major reasons. First, it represents efforts by the AFN Board and staff to raise to public attention the dimensions of the social and economic crisis in which we, as Alaska Native people, find ourselves. Secondly, this hearing represents the opening of a new period of public policy in Alaska -- one which recognizes the desire of Alaska Native people to survive as distinct ethnic and cultural groups while participating fully as members of the larger society. This effort will be advanced through the creation of a mechanism where Natives, the State of Alaska and the United States enter into a more effective partnership in planning for the future.

It was just about one year ago, Mr. Chairman, that you traveled to Alaska, at the request of many people, to conduct a public hearing and to observe firsthand some of the issues which could properly be examined by the proposed Joint Commission on Policies and Programs Affecting Alaska Natives. The trip was a concerted effort to examine the conditions of Native life in urban and rural Alaska (Anchorage, Kotzebue, Noorvik, St. Marys, Chevak, Bethel, Kodiak and Sitka - all in five days.) You reported to this Committee your experience, describing profound social problems afflicting the Native community. Most importantly, you assured us that that trip would not be a one-shot gesture - you would stay with these issues over time and push them at the top levels of the United States government. You have kept your word.

In 1989, the Committee has conducted two more public hearings: one in March here in Washington and another in May in Anchorage. Today represents the fourth public hearing in 12 months on these issues, and I want to take this opportunity to thank you, Senator Inouye, on behalf of every Alaska Native person.

The progress made in getting S. 1364 introduced in the Senate, with companion legislation in the House, has also been achieved with the hard work of all three members of Alaska's Congressional delegation. Senator Murkowski, Senator Stevens, and Congressman Young's personal commitment to the concept of this Commission, elevates this hearing from a recital of statistics on poverty and social pathology, to that of taking a positive step forward. Our thanks also go to Senator McCain for his co-sponsorship and to the Congressional staff members who helped shape the language before us today.

After your 1988 trip to Alaska, Mr. Chairman, you asked the AFN to prepare a brief but comprehensive report on the present social and economic status of Alaska Natives. You requested that we pull together a broad statistical and narrative sketch of where Natives stand as we enter the last decade of the 20th century.

We all realized that time and resources would not permit an in-depth analysis of all the problems; or of the federal and state policies and programs affecting them. Literally hundreds of social and economic studies on Natives have been done over the last two decades, and most of them analyze in detail little bits and pieces of the whole picture. There are libraries full of data on cultural change, social problems, language, employment, public facilities, vocational training, elementary and secondary education, physiological health, behavioral health, subsistence rights, land, resources, economic development, political institutions, and on and on.

The sad fact is that, despite great effort and expenditure, most of these studies have been treated as if they exist in isolation from the others. Analysts who look at Native life from the outside seem to feel that alcohol abuse is one problem, cultural change is another and lack of employment is a third - as if the pain of cultural change were not a causal factor in the chemical epidemic - or as if alcohol abuse does not destroy the capacity of Natives to get the few jobs which do exist. But if you see contemporary Native life from the inside - as we do - the problems merge and re-inforce one another in an on-going cycle of failure. It is the whole pattern which must be viewed.

And that is what you asked AFN to do. We compiled, within the limits of time and funds a comprehensive report. The result of the effort was the publication, in January, of the AFN Report on the Status of Alaska Natives: A Call for Action. The report does not treat problems in isolation from one another. Health is intimately related to economics. Family stress is both the cause and result of substance abuse. Inadequate education in childhood is one of the root causes of career failure among adult Natives.

Another attribute of the report is that it is long on numbers and short on words. We have come to the conclusion that conditions in the Native community are so serious that the numbers speak for themselves. They tell you what you need to know, without extensive commentary. What could one possibly say about the fact that Alaska Native males between the ages of 20 and 24 kill themselves at a rate 14 times the national suicide rate; or that Natives, who make up only 14 to 15% of the State's population, comprise 34% of all Alaskans in jail; or that more than half of all the students in small village high schools score between the 20th and 30th national percentiles on standard examinations? The data leap off the page and demand attention.

At the March hearing of this Committee, Mr. Chairman, you asked witnesses to suggest practical methods for addressing this range of problems. In response, the AFN recommended creation of a mechanism for authoritative, high-level policy and program analysis. We knew the the issues presented in the report deserved more than cursory review, and we noted for the record that no comprehensive analysis of the status of Alaska Natives has been completed by the federal or state government in more than two decades. We pointed out the historical precedents for such a policy analysis. The examples we cited were the Federal Field Committee's 1968 Report on land claims and the United States Indian Policy Review Commission's work during the 1970's. Finally, we recommended that such a body be charged with making specific policy, program and budgetary recommendations to the United States and the State of Alaska - in order that it go beyond describing the problems to focusing on solutions. We sincerely feel that imagination and courage will be necessary if we are to break out of the current cycle of policy inertia and programmatic routine.

In response to AFN's recommendation, the Committee and the Alaska delegation drafted and introduced the bill before us, S. 1364. I want to go on record as supporting the bill. AFN is very aware of concerns expressed within the Native community about the design of Commission membership and the processes for its selection. But we insist that the goal of having a serious, high-profile governmental commission which includes Native representatives is more important than any specific mechanism for its composition.

Some observers have remarked that S. 1364 guarantees only three Native representatives from among the seven to be appointed by the President and requires no corresponding commitment from the State. However, we are heartened by Governor Cowper's commitment to appoint at least three Natives from among the seven State appointees. This will mean a minimum of six Natives among 14 voting members, with the distinct possibility that President and Governor could appoint a Native majority.

AFN has several recommendations which will encourage Native involvement. 1) Task Forces: the Commission is empowered to set up its own issue-specific task forces, composed of members it selects, to study and report on specific policies or programs. AFN strongly recommends that the Commission utilize a broad range of Native leadership and institutional representation in its task forces. Who knows these issues better? This important opportunity involves a wide range of Native participation in the internal workings and report drafting of the Commission.

2) Public Hearings/Village Travel: the Commission is empowered to hold public hearings in various locations around the state. AFN strongly recommends that, at a minimum, the Commission hold a public hearing in each of the twelve geographic regions of Alaska and that it travel to several villages within each region. The credibility of its final report will depend on the serious effort of the Commission to listen to Native people.

Some individuals raise objections to the idea that Native representation on the Commission would be selected by the President and the Governor. They feel that Native people themselves should make such decisions. To address this concern, AFN proposes three alternatives for consideration:

1. One, the Committee could decide that the President and the Governor are the appropriate appointing authorities for all voting members. Native communities, individuals and organizations would be encouraged to submit, by fixed public deadlines, a list of recommendations, with attached biographical data, to both offices. Careful review of all such submissions would be made by the White House and the Governor's office before selections become final.

2. Two, the Committee could decide to empower a mechanism within the Native community to pull together all such Native recommendations and to perform an initial screening and selection of a "short list". If the Committee changes this option, the AFN Board of Directors offers its good offices to perform that function.

3. Finally, the Committee could decide that Native representatives on the Commission should be selected by the Native community itself. The AFN Board of Directors will likewise offer its good offices to perform that function.

Mr. Chairman, we have carefully weighed these alternatives and have concluded that the highly acceptable solution would be empowering Native people to make their own appointments to the Commission. A greater sense of Native "ownership" of the Commission will only enhance its chances of success.

We suggest that the Committee consider vesting the AFN Board of Directors with such authority. AFN would pledge to solicit recommendations from all village councils, village corporations, regional entities and other Native institutions in Alaska.

AFN stands ready to assist the Committee in any way it deems fit. We strongly urge that the momentum behind the legislation not be lost. It is essential that we have the Commission up and running October 1st, the beginning of the new federal fiscal year. We believe this effort to evaluate and reform public policy will not be judged by the existence or operation of the Commission itself, but by its ability to improve the lives of our people and to provide for the future of our children. We must proceed with the task at hand.

This concludes my remarks, Mr. Chairman. On behalf of AFN, I would like to submit for the hearing record a short list of minor technical changes which could help to clarify the bill. They may be included in the text or in any accompanying Committee report. I thank the Committee for this opportunity to present testimony, and I will be happy to answer any questions.

SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

My name is Johanna Hotch. I was born in the village of Klukwan, Alaska and have lived there all my life. Klukwan, also known as the Chilkat Indian Village IRA, is located on the Chilkat River twenty-two (22) miles north of Haines at the northern end of the Alaska panhandle. Our village has just over one hundred (100) residents.

Klukwan was part of the Alaska Native Claims Settlement Act. As a result, Klukwan, Inc. was formed in 1973 and became an active business corporation in 1980. I serve as one of nine directors on the Klukwan, Inc. Board of Directors and as Chairman of the Board of our main operating subsidiary, Klukwan Forest Products, Inc.

I have served as Grand President of the Alaska Native Sisterhood also known as the A.N.S. formed in 1923 as a result of the formation of the Alaska Native Brotherhood (A.N.B.) formed in 1912, the oldest Native American organization. The ANB-ANS is enrolled as a charitable organization with membership open to all people. It has fought for native rights and equality since its inception; such as the right to vote, the right to attend schools, to be included in the Federal Indian Reorganization Act, and was in the forefront of ANCSA, the claims act. As President of the A.N.S., I have traveled to the villages of Southeastern Alaska and observed the difficulties that face our people.

Many good things have come to a number of the Regional and village corporations as a result of ANCSA. But the claims act has not solved the social-economic problems of the Alaska Natives. For example, ANCSA has not addressed potential income tax problems causing reductions of economic benefits to our shareholders. Also, I am a witness to many of the problems that face the Alaska Natives both urban and rural. Alcohol and other drugs have had a devestating affect on our people. In my own family, alcohol related suicide has taken my brother, my mothers brother and my grandfater. The vast majority of the deaths in our village are as result of alcohol rather than by natural causes.

Senate Bill 1364, establishing the "Joint Commission on Policies and Programs Affecting Alaska Natives" could be a wonderful thing for our people. It will help us to identify the ways to solve the problems that face our people. Our job is an on-going one, generation after generation. Our aim is self-determination and self-sufficiency. We wholeheartedly support passage of the bill and a swift formation of the Commission. As a member of the Tlingit tribe from the village of Klukwan, I wish to convey the heartfelt thanks of our people to our Congressional Delegation and those of you who support this Commission.

Johanna Hotch
Klukwan, Inc.
P.O. BOX 32077
Juneau, AK 99803

CHILKAT INDIAN VILLAGE
AN INDIAN REORGANIZATION ACT VILLAGE
UNDER ACT OF CONGRESS JUNE 15, 1935
P.O. Box 210
HAINES, ALASKA 99827
767-5505

To the Federal and State Commission;

The Chilkat Indian Village of Klukwan, is a federally recognized Indian Tribe, with a current population of 160 residents living within the boundaries. The I.R.A. Council is the locally elected governing body originally organized pursuant to the Indian Reorganization Act of 1934 as amended in 1936. The Chilkat Indian Village of Klukwan has requested Edward T. Warren to represent the Village's concerns to the Indian Affairs Commission.

The I.R.A. Council for Chilkat Indian Village of Klukwan supports the development of the Federal and State Commission. The I.R.A. Council members believes that:

1. Protection of subsistence rights as defined in Alaska National Interest Land Conservation Act (ANILCA) Title VIII, Sect. 8031 is essential. Alaska Natives, especially in the rural area, depend on subsistence resources for food, clothing, craft and barter. Alaska Natives must have access to Federal lands as these resources become available.

2. Legislative and technical assistance, as well as funding, to improve the local tribal governments in rural areas, so that Tribal governments can carry out adequate services to the natives in their communities.

If these tribal governments will receive items 1 and 2, then the tribal government can then begin to self-sustain the Village economies in rural Alaska with Native workers; begin to improve education for the Village children; begin to educate Native parents and children about preventive health measures, for example prevention of infant ear infections by seeking medical attention as early as possible.

In conclusion, if the fundamental rights of subsistence are preserved and this right to self-govern are practiced, then the other human needs which improve the quality of life will follow with Native participation.

Jones P. Hotch Jr.
Jones P. Hotch Jr.,
Vice-President

HEARING BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS
ON S. 1364
AUGUST 3, 1989
TESTIMONY OF DAVID S. CASE

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I APPRECIATE THE OPPORTUNITY AND YOUR INVITATION TO TESTIFY ON S. 1364, A BILL TO ESTABLISH A JOINT FEDERAL/STATE COMMISSION ON POLICIES AND PROGRAMS AFFECTING ALASKA NATIVES. I AM HERE ALSO AT THE REQUEST OF THE TLINGIT AND HAIDA TRIBES OF ALASKA. THE BILL HAS BEEN SUBMITTED IN RESPONSE TO THE AFN REPORT ON THE STATUS OF ALASKAN NATIVES: A CALL FOR ACTION. IT IS THE HOPE OF MANY THAT THIS COMMISSION WILL RESULT IN POSITIVE ACTIONS THAT WILL EMPOWER ALASKA NATIVES TO BETTER ADDRESS THE SOCIAL, ECONOMIC AND CULTURAL CRISES SO VIVIDLY DOCUMENTED IN THE AFN REPORT.

IN MY FIFTEEN YEARS IN ALASKA, IT HAS BEEN MY RARE PRIVILEGE TO WORK FOR AND ON BEHALF OF ALASKAN NATIVE INTERESTS IN A NUMBER OF CAPACITIES. FIRST, AS THE DIRECTOR OF THE AFN "BUSH" JUSTICE PROJECT, MY STAFF AND I TRAVELED TO REMOTE ALASKA VILLAGES TO DETERMINE SOME PRACTICAL STEPS WHICH COULD BE TAKEN TO IMPROVE THE DELIVERY OF POLICE PROTECTION, JUDICIAL AND CORRECTIONAL SERVICES IN THE VILLAGES. THE PROJECT CULMINATED IN A STATE-WIDE BUSH JUSTICE CONFERENCE WHOSE RECOMMENDATIONS WERE ADOPTED BY THE 1977 AFN CONVENTION. THE THRUST OF THOSE RECOMMENDATIONS WAS TO BRING THE CONTROL OF JUSTICE SERVICES CLOSER TO THE VILLAGES.

OF THE STATE AGENCIES RESPONSIBLE FOR JUSTICE SERVICES, I WOULD HAVE TO SAY THAT ONLY THE DEPARTMENT OF PUBLIC SAFETY (THE TROOPERS) HAS SHOWN A GENUINE RESPONSIVENESS TO BUSH JUSTICE NEEDS. THEIR VILLAGE PUBLIC SAFETY OFFICER (VPSO) PROGRAM HAS TRAINED VILLAGE PEOPLE IN THEIR OWN COMMUNITIES WHO ARE NOW CAPABLE OF PROVIDING A MEASURE OF POLICE PROTECTION AND EMERGENCY SEARCH AND RESCUE SERVICES -- GENERALLY UNDER THE DIRECTION OF A LOCAL VILLAGE COUNCIL. THE DELIVERY OF OTHER JUSTICE SERVICES, PARTICULARLY IN THE CASE OF THE COURTS, HAS NOT MOVED ANY CLOSER TO THE VILLAGES. TOO OFTEN THE VILLAGE MUST WAIT UNTIL A SERIOUS BREACH OF THE PEACE OCCURS BEFORE JUDICIAL SERVICES CAN BE BROUGHT TO BEAR. THAT IS PARTICULARLY TRUE IN THE CASE OF ALCOHOL OFFENSES SUCH AS BOOTLEGGING AND ILLEGAL POSSESSION. THAT IS WHY, I SUSPECT, SOME VILLAGES HAVE ADOPTED MEASURES UNDER THE FEDERAL INDIAN

LIQUOR LAWS TO PERMIT THE TRIBAL COUNCIL TO EXERCISE THIS AUTHORITY.

THE INTERIOR DEPARTMENT'S RESPONSE TO VILLAGE REQUESTS TO IMPLEMENT THE INDIAN LIQUOR LAWS HAS BEEN FITFUL AT BEST, AND AT WORST, POLITICALLY MOTIVATED BY THE STATE'S CONTINUING OPPOSITION TO THE EXERCISE OF ANY POLITICAL AUTHORITY BY TRIBES. THE PROPOSED COMMISSION SHOULD INQUIRE INTO THIS PARTICULAR ISSUE, BECAUSE IT IS SYMPTOMATIC OF THE WAY IN WHICH LACK OF CLEAR FEDERAL POLICY DEPRIVES ALASKAN NATIVE COMMUNITIES OF THE ABILITY TO DETERMINE THEIR FUTURES. THE LACK OF POLICY ALSO DEPRIVES NATIVE COMMUNITIES OF SELF-DETERMINATION AND ONLY ADDS TO THE SENSE OF DEPENDENCY CITED IN THE AFN REPORT.

IN 1978 I WAS HIRED AS A PROJECT STAFF MEMBER AT THE ALASKA NATIVE FOUNDATION. THE LATE DICK JANSEN, PRESIDENT OF THE FOUNDATION AND CHAIRMAN OF THE BOARD OF THE CHUGACH ALASKA REGIONAL CORPORATION, DETERMINED THAT IT WAS IMPORTANT TO RESEARCH THE APPLICATION OF THE FEDERAL TRUST RESPONSIBILITY TO ALASKA NATIVES. I THINK HIS CONCERN WAS THAT UNLESS THE NATIVES THEMSELVES WERE PREPARED TO DEMONSTRATE THE HISTORICAL EXISTENCE OF THE TRUST, THE INTERIOR DEPARTMENT WOULD SILENTLY TERMINATE FEDERAL RESPONSIBILITIES IN ALASKA. THIS WAS ALSO AT A TIME WHEN IT WAS ASSUMED BY MANY THAT ANCSA HAD TERMINATED ANY SPECIAL RELATIONSHIP BETWEEN ALASKA NATIVES AND THE FEDERAL GOVERNMENT.

THE PROJECT WAS FUNDED DIRECTLY BY THE BIA JUNEAU AREA OFFICE -- APPARENTLY WITHOUT THE KNOWLEDGE OF THE BIA CENTRAL OFFICE. I WAS GIVEN THE OPPORTUNITY OF DOING ORIGINAL RESEARCH ON THE HISTORY OF THE FEDERAL GOVERNMENT'S INVOLVEMENT WITH ALASKA NATIVES FROM 1867 TO THE PRESENT. I WILL NEVER FORGET MY GENUINE SURPRISE AT THE RICHNESS AND DEPTH OF THE FEDERAL GOVERNMENT'S ROLE IN ALASKA. THAT ROLE IS DOCUMENTED IN COURT CASES BEGINNING IN THE EARLY TWENTIETH CENTURY AND RUNNING TO THE PRESENT AS WELL IN ARCHIVAL MATERIAL DOCUMENTING THE ACTIVITIES OF THE BUREAU OF INDIAN AFFAIRS AND ITS PREDECESSOR, THE OFFICE OF EDUCATION.

THE FEDERAL GOVERNMENT'S SUPPORT FOR ALASKA NATIVES BEGAN WITH APPROPRIATIONS IN THE LATE NINETEEN CENTURY TO FUND THE PROPAGATION OF REINDEER, BUT LATER INCLUDED FINANCING OF LUMBER MILLS, CANNERIES, HOSPITALS, THE ESTABLISHMENT OF

RESERVATIONS THROUGHOUT ALASKA, FEDERAL PURCHASES OF REINDEER AS TRUST PROPERTY, THE APPLICATION OF THE INDIAN REORGANIZATION ACT TO ALASKA AND THE ADJUDICATION OF TLINGIT AND HAIDA CLAIMS TO SOUTHEAST ALASKA, TO NAME A FEW. IT CONTINUES TODAY THROUGH THE ENACTMENT OF SELF-DETERMINATION LEGISLATION APPLICABLE TO ALASKA NATIVE TRIBES AND CORPORATIONS AS WELL AS THROUGH THE 1806 ALLOTMENT AND THE 1926 NATIVE TOWNSITE ACTS.

MY RESEARCH RESULTED IN A BOOK WRITTEN WHILE I WAS AT THE FOUNDATION AND PUBLISHED BY THE FOUNDATION UNDER THE TITLE: THE SPECIAL RELATIONSHIP OF ALASKA NATIVES TO THE FEDERAL GOVERNMENT. CLARENCE ANTIOQUIA, THE THEN BIA JUNEAU AREA DIRECTOR, HAD THE FORESIGHT TO ORDER SEVERAL HUNDRED COPIES OF THE BOOK PRINTED BEFORE THE BIA CENTRAL OFFICE FOUND OUT ABOUT THE PROJECT. THE IMMEDIATE REACTION IN WASHINGTON WAS TO IMPOUND THE BOOKS AND PREVENT THEIR GENERAL RELEASE. BUT IT WAS TOO LATE. THE BOOKS WERE PRINTED. HAD THAT NOT BEEN THE CASE, THERE IS NO DOUBT IN MY MIND, THE RESULTS OF THAT WORK WOULD HAVE NEVER SEEN THE LIGHT OF DAY.

THIS WAS PRECISELY THE FATE OF THE MORE RECENT "1985 STUDY", COMPLETED UNDER CONTRACT WITH THE BIA CENTRAL OFFICE AND IN FULFILLMENT OF SECTION 23 OF ANCSA. I ALSO WORKED AS A SUBCONTRACTOR ON THAT PROJECT WHILE I WAS TEACHING AT THE UNIVERSITY OF ALASKA IN FAIRBANKS. THE REPORT, AMASSED BY A COMPETENT, INDEPENDENT CONTRACTOR, CONCLUDED IN GENERAL THAT MANY OF THE ANCSA CORPORATIONS WOULD FAIL OR SIMPLY CEASE TO EXIST. THIS AND OTHER CONCLUSIONS WERE MASSIVELY DOCUMENTED BUT WERE NOT POPULAR WITH THE INTERIOR DEPARTMENT. THE RESULT IS THAT THIS OBJECTIVE, LEGALLY MANDATED REPORT ON THE IMPLEMENTATION OF ANCSA HAS BEEN SHELVED AND NEVER COMPLETED.

IF THESE EXPERIENCES SUGGEST A CONSPIRACY, THERE PROBABLY IS ONE, BUT IS IT NOT, PERHAPS, A CONSPIRACY OF EVIL, BUT RATHER ONE OF FEAR. ERNEST GRUENING, ALASKA'S LAST TERRITORIAL GOVERNOR AND ONE OF HER FIRST SENATORS, WAS A MAN OF UNUSUAL INTEGRITY AND PRINCIPLE. YET, HE TOO FEARED ALASKA NATIVE ABORIGINAL RIGHTS. HE, ALONG WITH THE ALASKA POLITICAL AND ECONOMIC INTERESTS OF THE TIME, THOUGHT THAT ACKNOWLEDGEMENT OF NATIVE ABORIGINAL LAND TITLE WOULD TIE THE ALASKA ECONOMY IN KNOTS.

HE WAS WRONG. ALASKA NATIVE ABORIGINAL LAND CLAIMS HAVE BEEN SETTLED, AND THE RESULT HAS BEEN IN GREATER ECONOMIC DEVELOPMENT, NOT LESS. IT TOOK THE POLITICAL COURAGE OF THOSE WHO FOLLOWED ERNEST GRUENING TO SETTLE THOSE CLAIMS. ALTHOUGH ANCSA ITSELF IS FRAUGHT WITH UNCERTAINTIES AND CHALLENGES, FEW WOULD SAY THAT ALASKA NATIVES WOULD BE BETTER OFF IF THE LAND SETTLEMENT HAD BEEN DENIED OR INDEFINITELY POSTPONED.

YET, THAT IS EXACTLY WHAT IS HAPPENING WITH THE QUESTION OF NATIVE POLITICAL JURISDICTION. PERPETUATION OF THIS ISSUE IN THE COURTS AND THE EXECUTIVE BRANCH IS ENGENDERING MORE (NOT LESS) CONTROVERSY AND OUTLANDISH POSITIONS ON BOTH SIDES. IT IS NOT CERTAIN THAT A COMMISSION SUCH AS THAT PROPOSED IN S. 1364 COULD RESOLVE THIS ISSUE, BUT HOW COULD IT HURT TO TRY?

WELL, THE ANSWER IS THAT IT CAN HURT TO TRY. COMMISSIONS ARE ONLY AS GOOD AS THE VISION OF THE PEOPLE WHO STAFF AND SIT ON THEM. THE AMERICAN INDIAN POLICY REVIEW COMMISSION (AIPRC) IS AN EXCELLENT EXAMPLE OF WHAT A COMMISSION CAN ACCOMPLISH. A PRIVATELY FUNDED ALASKA NATIVE REVIEW COMMISSION, SPONSORED BY THE INUIT CIRCUMPOLAR CONFERENCE, HAS THUS FAR BEEN LESS SUCCESSFUL IN TERMS OF THE IMPLEMENTATION OF ITS RECOMMENDATIONS, BUT IT HAS CRYSTALLIZED THE TRIBAL ISSUES IN ALASKA AND SUGGESTED ROLES WHICH TRIBES MIGHT PLAY IN THE POST-ANCSA ERA.

HOWEVER, A COMMISSION CANNOT BEGIN WITH THE PROPOSITION THAT A PARTICULAR PROBLEM DOES NOT EXIST OR THAT ALASKA NATIVES HAVE NO TRIBAL RIGHTS. THAT, UNFORTUNATELY, IS EXACTLY WHAT HAPPENED WITH GOVERNOR SHEFFIELD'S TASK FORCE ON STATE-FEDERAL-TRIBAL RELATIONS. POWERFUL STATE POLITICIANS WERE APPOINTED TO THIS TASK FORCE AND WERE ABLE TO CONTROL ITS OUTCOME. AS YOU KNOW, THAT COMMISSION CONCLUDED THAT THERE WERE NO TRIBES IN ALASKA, AND IF ANY EXISTED, THEY HAD NO ATTRIBUTES OF SOVEREIGNTY. THE TASK FORCE'S REPORT BECAME THE BASIS FOR THE STATE SUPREME COURT'S DECISION CONCLUDING THAT STEVENS VILLAGE (AND MOST OTHER ALASKA VILLAGES) HAVE NO ATTRIBUTES OF SOVEREIGNTY -- INCLUDING SOVEREIGN IMMUNITY.

IF THAT WERE TO BE THE PREDISPOSITION OF THE COMMISSION PROPOSED IN S. 1364, THEN I WOULD HAVE TO SAY THE COMMISSION SHOULDN'T ADDRESS TRIBAL ISSUES AT ALL. IF THE COMMISSION DOES

NOT ADDRESS THE TRIBAL ISSUES, THEN IT WILL JUST PERPETUATE THE CONSPIRACY OF FEAR AND ABDICATE RESPONSIBILITY FOR DECIDING THOSE ISSUES TO THE COURTS. THAT WOULD BE TOO BAD AND I DON'T THINK THAT A COMMISSION ON FEDERAL-NATIVE "POLICY" WHICH ONLY ADDRESSES SOCIAL, ECONOMIC, AND EDUCATIONAL ISSUES IN ISOLATION FROM THE TRIBAL INSTITUTIONS (WHICH CAN BE THE VEHICLES FOR ADDRESSING THOSE ISSUES), IS WORTH THE TIME AND THE MONEY.

PLEASE, DO NOT MISUNDERSTAND ME. I AM NOT SO NAIVE AS TO THINK THAT RESOLUTION OF SOME OR EVEN ALL OF THE TRIBAL ISSUES WILL RESOLVE THE SOCIAL, ECONOMIC, EDUCATIONAL AND OTHER CRITICAL ISSUES IDENTIFIED IN THE AFN REPORT. IT IS JUST THAT A COMMISSION WHOSE WORK DOES NOT EVEN ADDRESS SOME OF THE CRITICAL TRIBAL ISSUES WILL BE PERCEIVED BY MANY TO BE JUST AS INCOMPLETE AS ONE WHICH DOES NOT DISCUSS POLICIES TOWARD ALCOHOL CONTROL OR THE ABUSE OF CHILDREN.

THAT IS PARTICULARLY SO, BECAUSE IN THESE TWO AREAS, TRIBES APPEAR TO HAVE A FEDERALLY AUTHORIZED ROLE TO PLAY UNDER THE INDIAN LIQUOR LAWS AND THE INDIAN CHILD WELFARE ACT (ICWA). HOW CAN A COMMISSION CONCERNED ABOUT THE SOCIAL WELFARE OF NATIVE CHILDREN, DISCUSS THAT ISSUE WITHOUT COMING TO GRIPS WITH THE STATE SUPREME COURT'S CONCLUSION IN NATIVE VILLAGE OF NENANA THAT SECTION 1918 OF ICWA PRECLUDES TRIBAL JURISDICTION ABSENT RETROCESSION OF JURISDICTION? EVEN IF THE STATE SUPREME COURT WAS RIGHT IN NENANA, HOW DO YOU SQUARE THAT WITH THE EARLIER DECISION OF THE SAME COURT IN MATTER OF J.M. (KALTAG) THAT ONCE A CHILD IS A WARD OF THE TRIBAL COURT, THE TRIBE HAS EXCLUSIVE JURISDICTION. THESE CERTAINLY SEEM TO BE SPECIFIC AREAS WHERE CONGRESSIONAL CLARIFICATION OF ICWA COULD SAVE YEARS OF LITIGATION AND UNCERTAINLY IN MATTERS OF CHILD WELFARE.

THERE ARE OTHER AREAS WHERE CONGRESS COULD ACT IF IT CHOSE TO CLARIFY THE JURISDICTION OF ALASKA NATIVE TRIBES. THESE MIGHT INCLUDE THE QUESTION OF WHETHER STATE P.L. 280 JURISDICTION IN ALASKA IS CONCURRENT OR EXCLUSIVE AND THE QUESTION OF WHAT CONSTITUTES INDIAN COUNTRY. EVEN WITHOUT DEALING WITH THESE ADMITTEDLY MORE DIFFICULT ISSUES, IT IS HARD TO SEE HOW THE COMMISSION CAN FULFILL ITS STATED MANDATE TO PROVIDE SOLUTIONS TO ALASKA NATIVE SOCIAL ISSUES RELATED TO CHILDREN AND ALCOHOL WITHOUT AT LEAST EXAMINING THE ROLE OF TRIBAL GOVERNMENTS IN ALASKA UNDER FEDERAL LAW RELATED TO LIQUOR CONTROL AND CHILD WELFARE.

BESIDES THE SCOPE OF THE COMMISSION'S WORK, THE OTHER ISSUE WHICH NEEDS TO BE RESOLVED CONCERNS THE SCOPE OF NATIVE PARTICIPATION. A JOINT FEDERAL-STATE COMMISSION ON NATIVE POLICY SIMPLY HAS TO HAVE SUBSTANTIAL NATIVE PARTICIPATION ON THE COMMISSION. THAT IS PARTICULARLY SO WHERE, AS HERE, ONE OF THE AVOWED PURPOSES OF THE COMMISSION IS TO RESPECT NATIVE DIVERSITY. NON-NATIVES ARE CULTURALLY INCAPABLE OF DOING THAT. THE COMMISSION ABSOLUTELY MUST BE MANDATED TO HAVE MORE THAN THREE NATIVES OUT OF A TOTAL VOTING MEMBERSHIP OF FOURTEEN. THREE PEOPLE CANNOT BEGIN TO REPRESENT THE GENUINE CULTURAL DIVERSITY OF THE ALASKA NATIVES.

I HOPE THE INTENT HERE IS NOT TO HAVE AN INDIAN, AN ESKIMO AND AN ALEUT TO REPRESENT NATIVE DIVERSITY ON THE COMMISSION. THERE ARE AT LEAST TWO MAJOR DIVISIONS OF ESKIMOS (YUPIK AND INUPIAT), THREE MAJOR DIVISIONS OF INDIANS (ATHABASCAN, TLINGIT AND HAIDA) AND TWO GROUPS OF ALEUT RELATED PEOPLE (ALEUT AND KONIAG). ON THIS BASIS ALONE (AND IT DOES NOT ACCOUNT FOR ALL THE CULTURAL DIVISIONS), THERE SHOULD BE AT LEAST SEVEN NATIVE MEMBERS ON THE COMMISSION.

ONE WAY TO DEAL WITH THE QUESTION OF NATIVE REPRESENTATION WOULD BE TO HAVE THE NATIVE TRIBAL CONTRACTORS WITHIN EACH OF THE FIVE BIA AGENCIES IN ALASKA SELECT OR NOMINATE A MEMBER OF THE COMMISSION. BECAUSE OF THE DIVERSITY OF THE ANCHORAGE AGENCY AREA, PERHAPS THERE COULD BE TWO FROM THAT AREA (I.E., ONE TO REPRESENT THE UNIQUE URBAN ANCHORAGE NATIVE PERSPECTIVE, THE OTHER TO REPRESENT THE DIVERSE VILLAGE PERSPECTIVE). AFN COULD CHOOSE A SEVENTH AT-LARGE MEMBER TO ACHIEVE ANY NECESSARY BALANCE. I PERSONALLY THINK THE NON-NATIVE REPRESENTATIVES SHOULD BE LIMITED TO FOUR FROM THE STATE AND FOUR FROM THE FEDERAL GOVERNMENT, GIVING A BALANCE SIMILAR TO THAT OF THE AIPRC.

MR. CHAIRMAN, THE MIX OF GOVERNMENTAL INSTITUTIONS IN ALASKA IS EXTREMELY RICH AND STILL DEVELOPING. IT IS PERHAPS UNLIKE ANYTHING ELSE IN THE REST OF THE UNITED STATES. THE STATE OF ALASKA ITSELF IS, BY THE TERMS OF ITS CONSTITUTION, A HIGHLY CENTRALIZED STATE GOVERNMENT. THAT IS PARTICULARLY NOTICEABLE AS TO THE EXECUTIVE AND JUDICIAL BRANCHES. UNLIKE MANY STATES, THERE ARE NO COUNTY OR MUNICIPAL COURTS. ALL OF THE COURTS ARE PART OF A UNIFIED STATE COURT SYSTEM. THAT MAY BE GOOD

FROM THE STANDPOINT OF ADMINISTERING THE COURTS, BUT IT IS NOT GOOD WHEN IT COMES TO RESPONDING FLEXIBLY TO THE DIVERSE NEEDS OF THE FAR FLUNG ALASKA NATIVE VILLAGES.

THE EXECUTIVE BRANCH IS ALSO HIGHLY CENTRALIZED. ONLY THE GOVERNOR AND LIEUTENANT GOVERNOR ARE SUBJECT TO STATE-WIDE ELECTION, ALL OTHER CABINET LEVEL OFFICIALS (INCLUDING THE ATTORNEY GENERAL) ARE APPOINTED BY THE GOVERNOR. MUNICIPAL GOVERNMENTS IN ALASKA ARE EITHER HIGHLY ISOLATED, FIRST OR SECOND CLASS CITIES, OF WHICH THERE ARE ABOUT 100 SCATTERED THROUGHOUT ALASKA, OR REGIONAL MUNICIPAL GOVERNMENTS CALLED "BOROUGHS".

THE SECOND-CLASS CITIES HAVE RELATIVELY FEW GOVERNMENTAL POWERS AND ARE ALMOST SOLELY DEPENDENT ON STATE REVENUES FOR THEIR FUNDING. THE BOROUGHS OFFER AN INTERMEDIATE FORM OF GOVERNMENT ON A REGION-WIDE BASIS. HOWEVER, A BOROUGH CAN ONLY BE FORMED AS A PRACTICALITY IF THERE IS SOME FORM OF INDUSTRIAL DEVELOPMENT WHICH PROVIDES A SUBSTANTIAL TAX BASE TO FINANCE ITS GOVERNMENT.

THE FUNDAMENTAL FACT IS THAT ALASKA IS GEOGRAPHICALLY IMMENSE AND CULTURALLY DIVERSE. THE STATE GOVERNMENT SIMPLY ISN'T PRESENT EITHER IN A MUNICIPAL OR ANY OTHER FORM IN MORE THAN 100 UNINCORPORATED COMMUNITIES, AND EVEN IN THE BOROUGHS TRIBAL GOVERNMENTS HAVE BEEN ACKNOWLEDGED AS FORMING AN IMPORTANT ELEMENT OF LOCAL GOVERNMENT IN COOPERATION WITH THE BOROUGH GOVERNMENT. ATTACHED TO MY TESTIMONY IS ORDINANCE 89-13 RECENTLY ADOPTED BY THE NORTHWEST ARCTIC BOROUGH AND PROVIDING FOR THE RECOGNITION AND COOPERATION OF NATIVE AMERICAN TRIBES WITHIN THE BOUNDARIES OF THE BOROUGH. THE ORDINANCE SPECIFICALLY ACKNOWLEDGES THAT THE VILLAGES WITHIN THE BOROUGH EXERCISE "GOVERNMENTAL FUNCTIONS" EITHER AS TRADITIONAL COUNCILS OR UNDER THE FEDERAL INDIAN REORGANIZATION ACT. THE APPROACH OF THE NORTHWEST ARCTIC BOROUGH TO TRIBAL GOVERNMENTS IS ONE THAT THE STATE SHOULD PERHAPS CONSIDER ITSELF. THE POINT, MR. CHAIRMAN, IS THAT INITIATIVES SUCH AS THIS SHOULD ALSO BE WITHIN THE SCOPE OF THE COMMISSION'S CHARGE IF IT IS TO TRULY CONSIDER THE QUESTION OF FEDERAL AND STATE NATIVE POLICIES IN ALASKA.

IN CONCLUSION, MR. CHAIRMAN, MANY ARE HOPEFUL THAT THE PROPOSED COMMISSION WILL OFFER AN OPPORTUNITY TO REPLACE THE

CONSPIRACY OF FEAR WITH A COURAGEOUS AND HONEST REVIEW OF NATIVE POLICY IN ALASKA THAT INCLUDES POSITIVE RECOMMENDATIONS FOR THE FULFILLMENT OF ALASKA NATIVE POLITICAL ASPIRATIONS. ALASKA NATIVE COMMUNITIES CONTINUE TO SUFFER FROM THE INDEFINITE POLICIES OF THE FEDERAL GOVERNMENT WHEN IT COMES TO SUCH FUNDAMENTAL MATTERS AS LIQUOR CONTROL AND CHILD WELFARE. SO LONG AS THAT CONTINUES, IT IS SAFE TO SAY THAT THE SENSE OF POWERLESSNESS AND DEPENDENCY CITED IN THE AFN REPORT WILL BE PROLONGED INDEFINITELY.

THERE IS HOPE, MR. CHAIRMAN, THAT YOUR LEADERSHIP AND PERSONAL COURAGE, ALONG WITH THE SUPPORT OF THIS COMMITTEE AND THE ALASKA DELEGATION WILL RESULT IN A COMMISSION WHICH IS RESPONSIVE TO THE FULL RANGE OF SOCIAL, ECONOMIC AND POLITICAL CONCERNS WHICH CONFRONT ALASKA NATIVE COMMUNITIES. IN ORDER TO DO THAT, AT A MINIMUM THE PROPOSED LEGISLATION MUST BE REVISED TO DO THE FOLLOWING: FIRST, IT MUST PROVIDE FOR MORE SUBSTANTIAL REPRESENTATION OF ALASKA NATIVE INTERESTS THAN THE CURRENT 3 OUT OF 14 VOTING MEMBERS. AT MINIMUM, IT OUGHT TO BE AT OR NEAR PARITY WITH THE PRESIDENTIAL AND GUBERNATORIAL APPOINTMENTS. SECOND, IN FULFILLING THE COMMISSION'S MISSION TO ENHANCE SELF-DETERMINATION IN ALASKA, THE COMMISSION OUGHT TO INCLUDE CONSIDERATION OF FEDERAL AND STATE POLICIES TOWARD THE EXERCISE OF ALASKA NATIVE POLITICAL AUTHORITY IN NATIVE COMMUNITIES. WE HAVE IDENTIFIED TWO SPECIFIC AREAS (LIQUOR CONTROL AND CHILD WELFARE) WHERE CURRENT ISSUES IN ALASKA DEMAND CLARIFICATION OF FEDERAL POLICY. THERE ARE OTHER ISSUES OF NATIVE POLITICAL CONTROL WHICH CAN PERHAPS BE ADDRESSED BY SUCH A COMMISSION, BUT IT WOULD AT LEAST BE A START TO DEAL CONCRETELY WITH THE QUESTIONS OF LIQUOR CONTROL AND CHILD WELFARE WHICH ARE IMMEDIATE AND PRESSING AND INEXTRICABLY BOUND UP WITH THE SOCIAL ISSUES IDENTIFIED IN THE AFN REPORT.

THANK YOU FOR THIS OPPORTUNITY TO TESTIFY BEFORE THE COMMITTEE. I WOULD BE HAPPY TO TRY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

COPY

ORDINANCE 89-13 A.M.

AN ORDINANCE ESTABLISHING SECTION 2.90 OF THE NORTHWEST ARCTIC BOROUGH CODE, PROVIDING FOR RECOGNITION AND COOPERATION WITH OTHER GOVERNMENTS AND AGENCIES.

WHEREAS, the Northwest Arctic Borough is a home rule government chartered under the laws of Alaska and empowered to adopt ordinances not prohibited by state law; and

WHEREAS, all village communities within the boundaries of the borough maintain institutions recognized by the federal government as exercising governmental functions either as traditional councils or as organized under the Federal Indian Reorganization Act ("IRA") with governmental constitutions (25 U.S.C.¶ 476) and corporate charters (25 U.S.C. ¶ 477); and

WHEREAS, all but one of these IRA and traditional councils have been designated by the NANA Regional Corporation, established under the Alaska Native Claims Settlement Act, to be the entity to exercise the right of consent to mineral exploration, development or removal under the terms of the Alaska Native Claims Settlement Act [43 U.S.C. 1627 (e)]; and

WHEREAS, in order to effectively deliver unified government services throughout the territory of the borough, it is necessary that the borough recognize for funding and be able to contract with the IRA's and traditional councils located within the borough's boundaries and other governments and agencies.

BE IT ENACTED BY THE ASSEMBLY OF THE NORTHWEST ARCTIC BOROUGH:

Section 1. There is hereby created Section 2.90.010 of the borough code entitled Recognition of other governments and agencies.

A. The Northwest Arctic Borough hereby recognizes the villages within the borough's boundaries as Native American Tribes which are organized under terms of the Federal Indian Reorganization Act, as amended (25 U.S.C. 476 and 477) as bodies politic and corporate eligible for borough funding, grants and contracts. The Northwest Arctic Borough also hereby recognizes the villages within the borough's boundaries as Native American Tribes which are organized under traditional forms of government as bodies politic, similarly eligible for borough funding, grants and contracts.

B. Authority to Cooperate with units of local government and Federal and State agencies.

1. In performing a duty imposed upon it, or in exercising a power conferred upon it, the Northwest Arctic Borough may cooperate, by agreement or otherwise, with a unit of local government or a state agency of this or another state or of another country, or with the United States, or with a United States governmental agency, or with a Native American Tribe or an agency of a Native American Tribe. This power includes power to provide jointly for administrative officers.

2. With regard to a Native American Tribe, the power described in subsection (1) of this section, includes the power of the executive departments of the borough to enter into agreements to insure that the borough or an agency of the borough does not interfere with or infringe on the exercise of any right or privilege of a Native American Tribe or members of a tribe held or granted under any federal treaty, executive order, agreement, statute, policy or any other authority. Nothing in this subsection shall be construed to modify the obligations of the United States to a Native American Tribe or its members or the rights of the tribe under federal or tribal law.

ORDINANCE 89-13
PAGE THREE

C. Within the context of this ordinance, "Native American Tribe" means any entity defined as a "tribe" in federal legislation and includes specifically the villages within the boundaries of the Northwest Arctic Borough organized under the terms of the Federal Indian Reorganization Act or as traditional councils which are federally recognize and eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans.

Section 2. This is a code ordinance.

Section 3. This ordinance shall be published and become effective as provided by law.

PASSED AND ADOPTED THIS 23rd **DAY OF** June **1989.**

Larry Westlake Sr.
Assembly President

SIGNED AND ADOPTED THIS 23rd **DAY OF** JUNE **1989.**

Mayor

ATTESTED TO THIS 23rd **DAY OF** June , **1989**

Sophie M. Johnson
Borough Clerk

First Reading 5-25-89
Second Reading 6-23-89

RECEIVED
JUN 15 1989

NOORVIK IRA COUNCIL
P.O. Box 71
Noorvik, Alaska 99763

Resolution 89-06

WHEREAS: The Northwest Arctic Borough is a home rule government chartered under the laws of Alaska and empowered to adopt ordinances not prohibited by state law; and

WHEREAS: The Noorvik Native Community is a federally recognized Eskimo Tribe established and chartered in May of 1939 under the authority of the Indian Reorganization Act of June 1934, as amended by Acts of June 1935 and May 1936; and

WHEREAS: The Noorvik Native Community is within the boundaries of the Northwest Arctic Borough; and

WHEREAS: The Noorvik IRA Council is the governing body of the Noorvik Native Community; and

WHEREAS: The Northwest Arctic Borough Ordinance No. 89-13 establishes section 2.90 of the Northwest Arctic Borough Code, providing for recognition and cooperation with other governments and agencies.

NOW, THEREFORE BE IT RESOLVED that the Noorvik IRA Council is in full support of Ordinance No. 89-13 of the Northwest Arctic Borough.

CERTIFICATION

I hereby certify that the above resolution was duly passed by the Noorvik IRA Council by a vote of 4 for and 0 against, dated this 6th day of June 1989.

Robert Newlin Sr. Donald G Sheldon

President Robert Newlin, Sr. Attest: General Manager Donald G. Sheldon

NOATAK VILLAGE COUNCIL
P.O. BOX 89
NOATAK, ALASKA 99761
TELEPHONE (907) 485-2173

RECEIVED
JUN 15 1989

RESOLUTION 89-11
NOATAK IRA COUNCIL

WHEREAS: The Noatak IRA Council is the governing body of Noatak, and

WHEREAS: The Noatak IRA has received Northwest Arctic Borough ordinance 89-13

WHEREAS: This ordinance establishing section 2.90 of the Northwest Arctic Borough Code, providing for recognition and cooperation with other governments and agencies.

THEREFORE BE IT RESOLVED: The Noatak IRA Council duly supports the Northwest Arctic Borough ordinance 89-13.

Noatak IRA Council Vice President

Attested by: Jackie Adams
Jackie Adams, Administrator

Date: June 13, 1989

UNITED STATES CONGRESS
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

TESTIMONY OF LLOYD BENTON MILLER, ESQ. OF SONOSKY, CHAMBERS, SACHSE & MILLER

ON BEHALF OF
THE ALASKA NATIVE HEALTH BOARD,
THE ASSOCIATION OF REGIONAL HEALTH DIRECTORS,
THE KODIAK AREA NATIVE ASSOCIATION,
THE NORTH PACIFIC RIM, AND
THE SITKA COMMUNITY ASSOCIATION

ON
S. 1346

SONOSKY, CHAMBERS, SACHSE & MILLER
SUITE 700, 900 WEST FIFTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 258-6377

SONOSKY, CHAMBERS & SACHSE
SUITE 1000, 1250 EYE STREET, N.W.
WASHINGTON, D.C. 20005
(202) 682-0240

Good morning Mr. Chairman and honorable members of the Committee. My name is Lloyd Miller and I am a partner in the Washington, D.C. and Anchorage law firm of Sonosky, Chambers, Sachse & Miller. Our law practice specializes in Alaska Native and American Indian affairs, and this morning I am testifying on behalf of the Alaska Native Health Board, the Association of Regional Health Directors, the Kodiak Area Native Association, The North Pacific Rim and the Sitka Community Association.

Although representation of these Native organizations have frequently testified before this Committee in person and wish they could have been here today, in light of the short hearing notification, they have asked that I appear here on their behalf.

The Alaska Native Health Board is a statewide advocacy organization established to represent the health concerns of 85,000 Alaska Native people. Its advocacy in recent years has spanned such diverse areas as improving the community health aide system, strengthening the ability of Alaska tribes and tribal organizations to administer contracts with the Indian Health Service under the Indian Self-Determination Act, studying the incidence and causes of suicide among Alaska Natives, and seeking the establishment of pilot programs for community-based alcoholism treatment and prevention initiatives.

The Association of Regional Health Directors comprises the administrative leadership of 12 regional Native health care providers. These are the Aleutian Pribilof Islands Association, the Copper River Native Association, the Southeast Alaska Regional Health Corporation, The North Pacific Rim, the Bristol Bay Area Health Corporation, the Kodiak Area Native Association, the Norton Sound Health Corporation, Maniilaq, the Southcentral Foundation, Tanana Chiefs Conference, the North Slope Borough, and the Yukon-Kusokwim Health Corporation. In a major step toward greater self-determination, these organizations administer some $60 million in federal and state-funded health care programs including four hospitals and scores of clinics. They are the experts in Alaska on providing health care to its Native population. They are also widely recognized across the Nation as leaders in "638" contracting. (Pub. L. No. 93-638, 25 U.S.C. 450 *et seq.*)

The Kodiak Area Native Association and The North Pacific Rim are two of the 12 regional Native health care providers serving, respectively, the villages of the Kodiak Island area and the villages of the Prince William Sound and Lower Kenai Peninsula area. In addition to their extensive health care programs, they also administer a wide array of social service programs in such areas as employment training, education, alcoholism treatment, housing improvement and economic development. Unfortunately, these two particular regions have also suffered terrible and irreparable injuries and disruption from the March 24 EXXON VALDEZ oil spill. Their programs are now being sorely tested, their resources strained far beyond village needs. The oil spill is a disaster which has magnified the problems facing village Alaska today. They therefore have a very keen, special interest in the work of the Commission.

Finally, the Sitka Community Association is a federally-recognized tribe of Tlingit Indians situated in southeast Alaska, with a tribal government organized pursuant to the Indian Reorganization Act of 1934. The Sitka Community Association administers some $950,000 in federal and state-funded programs for its 2,560 members, along the same lines as the multi-tribal programs administered by KANA and TNPR. In Alaska the Sitka Community Association has been in the vanguard of villages striving to strengthen tribal self-governance and self-determination, and is proud of a tribal court system which has excelled as a forum for the resolution of disputes pursuant to Tlingit custom. Though the business of self-governance is a challenge and a serious responsibility, for the Sitka Community Association it has also been a source of pride and a means of maintaining Tlingit laws and customs within a dynamic, rapidly-changing world.

Over the past two years, this Committee has examined in considerable detail the dire situation facing many Alaska Native villages in areas of health status, alcoholism, suicide, unemployment, education, housing, and self-governance. Senator Murkowski, in introducing S. 1346, correctly observed that in the 20 years since the 1968 Federal Feld Committee

Report, the dire circumstances of Alaska's remote Native villages have largely not changed, and in terribly important aspects, have actually worsened.

Such accomplishments as ANCSA and strengthened subsistence protections have at least prevented a dire situation from deteriorating even more rapidly. But they have not responded to the fundamental human and community needs of the villages.

Mr. Chairman, you have travelled across our State and witnessed first-hand much of this tragedy. Hearings here and in Anchorage last March and May have added to the Committee's record, and there is little I could add today to the excellent testimony you have received. I therefor will turn directly to the Commission proposal set forth in S. 1346 as a means of meaningfully responding to conditions which for so long have resisted effective response.

The Native entities we represent today have carefully reviewed S. 1346 and shared with me at length their concerns. They agree that the notion of a congressional or presidential commission is an idea which holds the potential for developing bold and creative new initiatives. It holds the potential for capturing the real attention of the American people, and thus the attention of Congress, to a series of complex problems of tremendous and drastic proportions facing Alaska Native villages. So long as the commitment is made by Congress and the State of Alaska to follow through aggressively with the Commission's recommendations, this new endeavor holds great promise. However, these Alaska Native organizations are not entirely convinced that the Commission's work will, in fact, lead to tangible improvements. They look to AFN's excellent compilation of the research literature regarding the conditions facing Alaska Natives, and see many reports gathering dust on bookshelves. They recall the Berger Commission, and Governor Sheffield's Report of the Task Force on Federal-State-Tribal Relations, and again see reports gathering dust. They see suicide studied almost yearly, yet few new initiatives emerge to stem this single greatest threat to young Native men. They hope the work of the Commission will not be similarly shelved and neglected.

I must also tell you that the cross-section of Native interests we represent are also apprehensive that the Commission, as presently conceived, may ultimately take positions hostile to Native interests. Here, again, they recall Governor Sheffield's Task Force Report, a report which directly influenced a landmark anti-Native decision from the Alaska Supreme Court on Native rights. (Fortunately, the Report and the state court decision have both been largely disregarded by the federal courts.) The Task Force approach sets an example for what to avoid if the Commission's work is to succeed.

It is with these general concerns and this background in mind that I turn to the specific provisions of S. 1346.

The single most important concern raised by the Alaska Native organizations we represent is in the proposed structure of the Commission, a structure symbolically embodied in the Commission's proposed name. As a "Joint Federal-State Commission," the Commission presently does not purport to include the collective wisdom and expertise of the Alaska Native people in a decision-making role. This omission is critical.

All too often governmental initiatives at the state and federal agency and legislative levels are developed and executed without adequately exploring with the affected Native Americans whether a particular need has been property identified, whether the new initiative is responsive to the need, and whether it will be effective. As a political matter such initiatives are often met with skepticism or outright hostility by the intended beneficiaries.

If the Commission's work is to succeed, if it is to be embraced by the Alaska Native community, then it must begin as a joint "Federal-State-*Native* Commission," consistent with the unanimous testimony before this Committee last March 3rd. Successful implementation of the Commission's Report will ultimately depend at least as importantly on the joint Native participation as it will on the participation by key Congressmen and State Legislators. It is the concept of a *partnership* with Alaska Natives that explicitly underlies AFN's proposal, and that concept should be carried forward in S. 1346.

To support the bill our clients believe that this conceptual shift must be carried through concretely in Section 3. As presently drafted, only 3 of 14 voting members will be Alaska Native, and these three will be chosen by the President. Although this minimum may be exceeded in the President's or the Governor's discretion, there remains a real risk that these members will be in a distinct minority. Irrespective of numbers, they will not have been chosen by the Alaska Native community, and that is the greatest objection our clients have with this bill.

The whole point of this Commission is to reexamine federal and state policies and programs affecting Alaska Natives. To be effective, this reexamination must be cooperatively undertaken by Alaska Natives themselves. This is compelled not only by the obvious fact that they are the ones benefitted or hurt by such policies or programs; they are also the most qualified to assess those programs for the single reason that between Indian Self-Determination Act contracts and the state's grant process, most such federal and state policies and programs have been administered over the years by the Alaska Native people themselves.

Congress recognized the critical importance of Native American representation in endeavors of this kind when it established the 1975 American Indian Policy Review Commission (Pub. L. No. 93-580). That Commission, designed mainly to focus on federal

Indian policy, had near-equality among six voting congressional members (including Congressman Young) and five Native American representatives (including Tlingit Indian John Borbridge, one of three representatives of federally-recognized tribes). It is in major part due to this balance in representation that the Commission's 1978 Report was so widely endorsed, not only by Congress, but by Native American tribes across the country.

The AIPRC experience should stand as an example and valuable precedent today. Consistent with that history, and mindful that a new Commission designed (unlike the AIPRC) to scrutinize state policies and programs should logically include several Governor appointees, we propose that the 14-member Commission be enlarged to 15, that the President and the Governor each appoint 4 commissioners for a combined total of 8, and that the Alaska Native Community appoint the remaining 7 commissioners.

In terms of the appointment process itself, so long as geographic and cultural diversity is maintained, we believe the expert Public Law 93-638 tribal contractors are in the best position to wisely select their representatives. This is so both because they, in turn, are representatives of the villages they serve and because they administer most of the federal and state Native programs. There are five agencies of the Bureau of Indian Affairs which administratively divide Alaska (Southeast, Fairbanks, Anchorage, Nome and Bethel) and we would propose that the BIA "638" contractors in each of these agencies select one commissioner. Because of the unique problems which face Alaska Native people in the City of Anchorage, we also propose that the Anchorage Agency area contractors select an additional commissioner to bring the urban perspective (much like the urban Indian seat set aside on the AIPRC). Finally, for a statewide perspective, we propose the seventh voting Native commissioner be selected by the Alaska Federation of Natives, in consultation with other statewide Native organizations such as ANHB, ARHD, Rural-CAP and so forth.

With all due respect, the Native organizations we represent do not consider it sufficient for a requisite number of Native Alaskans to be appointed by the President or the Governor. The President retains full discretion in his appointment powers, and he must act as he deems wisest. A multitude of considerations enter that process, with the result that the mere appointment of an individual who is a member of a minority group carries no assurance that the individual is accepted and respected by that group as its trusted representative. Indeed, there have been experiences in the past involving Alaska Native representatives in presidential and gubernatorial bodies whose views have not been shared by the Native community at large. These unfortunate experiences should not be repeated here.

For these reasons, and to generate the widespread Native support which the Commission must have to succeed, we urge this Committee to revise the Commission's structure as suggested today. I am advised by our clients that with these changes they can generally and enthusiastically support S. 1346.

There are a number of other areas in S. 1346 where our clients believe improvements can be made. As with the issue of Native representation, we have reviewed these conceptually with AFN's Legislative Committee and they are in agreement with our concerns. Rather than go into them in detail, a list of the proposed changes has been attached to our written testimony, together with a copy of the bill with hand-written interlineations. As the Committee will see, these suggestions accomplish such goals as:

(1) extending the co-chairmanship concept to the Alaska Native Commissioners,

(2) deleting the definitional term "Alaska Native" as unnecessarily limiting the Commission's review to individuals of one-quarter Native blood,

(3) strengthening the findings section to more fully acknowledge the gravity of the continuing crisis facing Alaska Native villages and the failure of past state and federal policies and programs to meet that crisis,

(4) including within the Commission's scope a review of *Native* policies and programs, for a tripartite approach to meeting this crisis,

(5) conditioning Alaska's participation in the Commission on the same access to agency information as will apply to federal agencies,

(6) eliminating language inadvertently suggesting an assimilationist approach to meeting the problems facing Alaska Natives, and

(7) requiring distribution of the final report to the Alaska Native community.

This Committee's last two hearings in connection with the AFN Report elicited extensive testimony on the gravity of the problems facing Alaska Native villages, and the depth of despair and self-destruction which has infected many communities. The problems of inadequate education, housing and health care, of deficient economic opportunities, of cultural dislocation, of extreme alcohol abuse and suicide, and of unrealized local village self-determination are interdependent problems. Like a torn fabric, repairing a single thread without regard to the others is virtually impossible and does little to repair the tear. The interdisciplinary approach of S. 1346, buttressed with expert task forces working under the guidance of informed commissioners possessing a strong Native Alaskan perspective, holds the greatest hope for mending the fabric that is Alaska Native village life. While all must be realistic in their expectations, only in striving together in such an endeavor can we hope to find at least a partial solution that will avoid an unfolding tragedy.

PROPOSED CHANGES TO S. 1346

SECTION I

1. (Page 1, Section Title). Insert "-Native" after the words "Federal-State."
2. (Page 1, line 8). Delete the words "in this period of rapid cultural change," and capitalize the word "There."
3. (Page 2, line 3). Insert the words "lack of effective local self-determination" after "employment opportunities,".
4. (Page 2, line 5). Delete the words "these conditions exist even though."
5. (Page 2, lines 6 & 7). Delete the words "been intended" and insert "in major part failed" after "have."
6. (Page 2, line 8). Replace the "and" after the word "economies" with a comma.
7. (Page 2, line 9). Insert the words "in promoting" after "and."
8. (Page 2, line 17). Delete the words "with the participation of."
9. (Page 2, line 18). Insert the word ", Native" after "Federal."
10. (Page 2, line 17). Delete the words "with the participation of" after the word "and."
11. (Page 2, line 20). Insert the words ", Alaska Native villages and organizations" after "Congress."
12. (Page 2, line 15). Add new Section 1(b) as follows: "Pursuant to Article I, Section 8, Clause 3 of the United States Constitution and other Constitutional authority, Congress has plenary power over Alaska Native affairs and has assumed the responsibility for the protection, preservation and advancement of Alaska Native villages and groups and their resources."
13. (Page 2, line 15). Change Section "1(b)" to "1(c)."

PROPOSED CHANGES TO S. 1364
Page 2

SECTION II

14. (Page 2, lines 25 & 26; Page 3, lines 1 & 2). Delete Section 2 (1).

15. (Page 3, line 3). Change paragraph (2) to (1).

16. (Page 3, line 4). Insert "-Native" after "State."

SECTION III

17. (Page 3, line 8). Insert "-Native" after "State."

18. (Page 3, line 12). Change "seven" to "four."

19. (Page 3, line 13). Delete ", at least three of whom shall be Alaska Natives and."

20. (Page 3, line 16). Change "seven" to "four."

21. (Page 3, line 18). Create a new subsection "(C) seven individuals appointed by Alaska Natives representatives of the five agency areas in Alaska served by the Bureau of Indian Affairs,".

22. (Page 3, line 18). Re-letter existing subsection "(C)" to "(D)."

23. (Page 3, line 21). Re-letter existing subsection "(D)" to "(E)."

24. (Page 3, line 24). Re-letter existing subsection "(E)" to "(F)."

25. (Page 4, line 1). Re-letter existing subsection "(F)" to "(G)."

26. (Page 4, line 4). Re-letter existing subsection "(G)" to "(H)."

27. (Page 4, line 7). Re-letter existing subsection "(H)" to "(I)."

28. (Page 4, line 10). Re-letter existing subsection "(I)" to "(J)."

29. (Page 4, line 13). Re-letter existing subsection "(J)" to "(K)."

30. (Page 4, line 17). Re-letter existing subsection "(K)" to "(L)."

31. (Page 4, line 17). After the "re-lettered L" insert the words "Unless otherwise appointed pursuant to this subsection,".

32. (Page 4, line 25). Delete the phrase "(A) or (B)" and insert "(A), (B), or (C)."

33. (Page 5, line 3). Delete the phrase "(A) or (B)" and insert "(A), (B), or (C)."

34. (Page 5, lines 5 & 6). Delete the phrase "(A) or (B)" and insert "(A), (B), or (C)."

35. (Page 5, line 17). Insert the word "a" after "be."

36. (Page 5, line 18). Delete the word "and" before "the Governor."

37. (Page 5, line 19). Replace the words "the other" with "a second."

38. (Page 5, line 20). Insert ", and the seven Alaska Native Commissioners appointed under paragraph (1)(C) shall designate from among their own membership an individual to serve as a third co-chairman" after the word "Commission."

39. (Page 5, line 21). Replace the word "Seven" with "Eight."

40. (Page 7, line 2). Insert ", and the State of Alaska has agreed to assume the responsibilities associated with participation under this Act" after the word "Commission."

41. (Page 7, line 9). Replace the number "4" with "6."

SECTION IV

42. (Page 7, line 15). Insert ", health, educational, self-determining" after "social."

43. (Page 7, line 18). Delete the word "and."

44. (Page 7, line 19). Insert the phrase "and of Alaska Native villages and organizations," after the words "of Alaska,".

45. (Page 7, line 25; Page 8, line 1). Replace the phrase "life opportunities comparable to other Americans, while respecting" with "the highest possible quality of life consistent with."

46. (Page 8, line 2). Replace the phrase "Alaska Natives" with "Native Americans."

47. (page 8, line 4). Replace the phrase "for self-determination, economic" with "for increased self-determination, greater economic."

48. (Page 8, line 7). Insert "and greater protection and promotion of Alaska Native cultures, traditions and languages;".

49. (Page 8, line 8). Delete the phrase "make every effort."

50. (Page 8, line 9). Replace the word "to" with a comma, and insert the words "and promote" after the word "respect."

51. (Page 8, line 16). Delete "and" after "Alaska,".

52. (Page 8, line 16). Insert ",each Alaska Native village and each Native corporation established pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. 1601 *et seq.*"

SECTION V

53. (Page 11, line 6). Insert the phrase "and of the State of Alaska" [if the State of Alaska is participating pursuant to Section 3(d)] after the words "Federal Government."

54. (Page 11, line 14). Insert the phrase "or State of Alaska [if the State is participating pursuant to Section 3(d)]" after the word "Federal."

SECTION VI

55. (Page 12, line 8). Replace the word "sum" with "sums."

alaska federation
of natives, inc.

411 W. 4th Avenue, Suite 301 • Anchorage, Alaska 99501 • Phone (907) 274-3611

August 24, 1989

Honorable Daniel K. Inouye
Chairman, Senate Select Committee
on Indian Affairs
United States Senate
Senate Hart Building, Room 838
Washington, D.C.

RE: S. 1364

Dear Chairman Inouye:

Thank you for allowing AFN the opportunity to testify in support of S. 1364 at teh August 3rd hearing.

Enclosed is a copy of AFN's formal response to the testimony of Dr. Ed Brown, Assistant Secretary for Indian Affairs, U.S. Department of the Interior, in opposition to S. 1364.

Please include our response as part of the official hearing record. If we can provide additional information or clarification on our position, please let us know. Thank you for your sincere interest and help in addressing the serious problems and obstacles facing Alaska Native people.

Sincerely,

Julie Kitka

Julie Kitka
Executive Vice President

enclosure

Integrity • Pride in Heritage • Progress

ALASKA FEDERATION OF NATIVES RESPONSE TO TESTIMONY OF EDDIE BROWN, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, IN OPPOSITION TO S. 1364

On August 3, 1989, Secretary Brown told the Senate Select Committee on Indian Affairs that the Bush administration agrees that the statistics compiled by AFN in its Report on the Status of Alaska Natives: A Call to Action are "alarming" and that addressing the multitudinous health, social and economic problems in rural Native villages will require "unique and innovative solutions." However, rather than the Federal-State-Native Commission described in S. 1364, Secretary Brown proposed an alternative: a task force composed of federal employees on loan from agencies that administer programs and policies that affect Alaska Natives. In Secretary Brown's opinion, his proposed task force can do a better, cheaper job of identifying solutions than the Commission.

However, with all due respect to Secretary Brown, as detailed below, none of his reasons for urging Congress to support his proposed task force in lieu of establishing a Joint Commission are meritorious.

1. The Federal Government Frequently Has Established Commissions Composed of Knowledgeable Public and Private Members to Analyze Difficult Problems and Recommend Unique Solutions, and Such Commissions Have Had a Demonstrated Record of Success.

Secretary Brown informed the Committee that "the [Bush] administration has found that Commissions and their studies do not solve the problems that they are created to address." If that truly is President Bush's view, it is a view that ignores the success of commissions during the previous administration. In recent years commissions established by President Reagan composed of public and private members unfettered by bureaucratic restraint have successfully identified and assisted in forging a consensus for innovative solutions to problems with defense policy (i.e., the Scowcroft Commission) and social security. And although the recommendations of its members were not unanimous, the commission President Reagan appointed to study and recommend policies for reducing the federal deficit has made a valuable contribution to deficit reduction policy, both on Capitol Hill and inside the Bush administration. Consequently, the bald assertion that a commission organized to address Native problems cannot be expected to make a similar contribution to the development of policies desperately needed to improve the quality of village life ignores well-known precedents that support a contrary conclusion.

2. Establishment of a Federal-State Commission Will Not Be Expensive.

Independent of his concern about its likelihood of success, according to Secretary Brown the establishment and operation of a Commission would be "prohibitively expensive" and federal money "can be better spent assisting the Alaska Natives now, rather than being spent to fund another commission." However, this assertion also belies the facts. The federal government annually spends hundreds of millions of dollars on programs that affect the health, social and economic status of Alaska Natives, e.g., the Indian Health Service budget in Alaska alone annually exceeds $154 million. In addition, the State of Alaska annually spends similar amounts on programs that affect Alaska Natives. Consequently, when compared to the total amount of federal and state money its recommendations will better and more effectively direct, the $300,000 of federal money that has been appropriated to support the Commission is a de minimis sum. It also is a sum far less than the amount of money the federal government has spent to finance studies of Alaska Natives mandated by Section 2(c) and Section 23 of the Alaska Native Claims Settlement Act that have proved far less valuable than the Commission's efforts will be. The Section 23 study, for example, consumed almost a million dollars of federal money to no useful end.

3. A Federal Task Force Cannot Be Expected to Perform the Work of the Proposed Commission.

Finally, Secretary Brown argues that a task force composed exclusively of federal employees can accomplish the Commission's tasks more efficiently and more economically. The argument is not well taken. First, Secretary Brown assumes that individuals responsible for administering the programs and policies he would ask them to study can objectively assess the strengths and weaknesses of their own programs and policies. No matter how well-intentioned his task force members may be, no human being can or should be expected to display complete objectivity and intellectual dispassion about activities in which they and the bureaucracies they represent have a substantial emotional or institutional investment. Second, requiring a group of federal employees to perform the Commission's work can be expected to result in the impact and importance of State programs and policies that affect Alaska Natives to be over or under emphasized. No matter how closely its members "consult" with knowledgeable State officials and three token Alaska Natives, a task force composd exclusively of federal employees cannot be expected to successfully evaluate the usefulness and workability of State programs and policies about which they know little and with which they have had little operational experience.

BERING STRAITS NATIVE CORPORATION
BOARD OF DIRECTORS
Resolution # 9-9-89-1

WHEREAS, Senators Murkowski, Inouye, Stevens and McCain have introduced a bill to establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives (S.1364), and

WHEREAS, this Commission will conduct a comprehensive study of the social and economic status of Alaska Natives and the effectiveness of those policies and programs of the Federal Government, and the State of Alaska, that affect Alaska Natives, and

WHEREAS, this Commission will specifically address the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduce incidence of social problems through public hearings and recommendations to Congress and to the State of Alaska, and

WHEREAS, Bering Straits Native Corporation Natives have opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives;

NOW THEREFORE LET IT BE RESOLVED THAT, the Bering Straits Native Corporation Board of Directors request your affirmative vote on Senate Bill 1364 establishing such a Commission, and

FURTHERMORE, the Bering Straits Native Corporation Board of Directors requests that appointments made by the President and the Governor of the State of Alaska be nominees submitted by the Alaska Federation of Natives and the majority of Commission members be Alaska Natives.

Rose Ann S Timbers

Rose Ann Timbers
Secretary

Passed at a meeting held:
September 10, 1989

BRISTOL BAY AREA HEALTH CORPORATION
P.O. BOX 130 • DILLINGHAM, ALASKA 99576
(907) 842-5201 or (907) 842-5202

Commitment, Attention, Respect, Excellence

August 1, 1989

The Honorable Senator Frank Murkowski
United States Senate
709 Hart Building
Washington, D.C. 20510

Dear Senator Murkowski:

The Bristol Bay Area Health Corporation on behalf of the 32 villages/tribes we represent is excited about the possibilities of some real positive change happening should your bill S.1364 "To establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives", co-sponsored by Mr. Inouye, Mr. Stevens and Mr. McCain become law with some amendments.

Senator, it is our hope that the Federal and State members do not overshadow the few Alaska Natives on the commission either in the voting or input that will become the final recommendations to Congress for necessary action for and on behalf of our people. This is going to be the most critical part of that groups job as the data is summarized and synthesized and final recommendations are prepared for action.

There must be a balance struck between interests or goals of the different groups and the differences and conflicts of interest must be made known up front i.e., Native/non-native beliefs, State/Federal, not-for profit and for profit Native organizations, those for/against "sovereignty" status etc., as the list goes on. It is only then that the contradictions and concerns that we as Alaska Natives see, feel and experience can perhaps be corrected. At least, we would have a synopsis of what public policies and programs are there for us, and an analysis can be made as to whether they work or not, and whether they should be or can be changed to fit our social and economic circumstances today. A lot of lip service by all of us goes to all the input we get from our people and how self-determination is working yet we document alarming statistics of our economic and social problems. The fractionalization and lack of coordination of programs and policies for our people make the applying for, getting, then carrying out programs very difficult to effectuate any real change. There must be a way of better coordinating existing resources to meet existing needs without throwing more money at the problems. This restructuring and streamlining at the Federal and State level is a must (efforts are underway for P.L. 93-638, but not very effectively to this point) in order for the village people themselves to become involved in their own self-determination.

KANAKANAK HOSPITAL 842-5201 • DENTAL SERVICES 842-5245 • MENTAL HEALTH SERVICES 842-1230 • DRUG & ALCOHOL SERVICES 842-5266

Page 2
Murkowski. 8/1789

Otherwise services continues to be brokered by the State, Federal or regional or other State corporations (both for profit or non-for-profit organizations) and our people still remain overly "dependent", even though I believe as an interim step the corporation structure is needed as a "economy of scale" and facilitating mechanism for the many villages we have. However, this too must be studied so that the Native organizations do not emulate the State and Federal organizations they should be improving on as trustees for our people. The bottom line is improvement at the lowest level - the village. Statistics will show the health status and health systems improvement, improved employment, improved education, better housing, etc., and that the problems so well spelled out in the Alaska Federation of Natives (AFN, Inc.) report "A Call for Action" become a thing of the past.

A commitment to positive action in a coordinated fashion is what is needed and we thank you for making the effort to see that this happens.

Good luck.

Sincerely,

Robert J. Clark,
Executive Director

cc: Senator Stevens
Congressman Young
Senator Inouye
Congressman Udall
AFN, Inc.
ANHB
Board of Directors
S. Bobo Dean, Esq.
BBNC
BBNA

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SENATOR FRANK MURKOWSKI

CAPITOL HILL DC

BBNA LENDS ITS SUPPORT TO THE BILL TO CREATE A FEDERAL/STATE/ NATIVE JOINT COMMISSION ON NATIVE POLICIES AND PROGRAMS.

DEBORAH TENNYSON, EXECUTIVE DIRECTOR
BRISTOL BAY NATIVE ASSOCIATION
POBOX 310
DILLINGHAM AK 99576
1548 EST

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Calista Corporation
503 E. Sixth Avenue, Anchorage, Alaska 99501 (907) 279-5516 Facsimile (907) 272-5060

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July 17, 1989

Honorable Frank H. Murkowski
United States Senate
709 Hart Building
Washington D.C. 20510

Dear Senator Murkowski:

The intent of this letter is to advise you that Calista Corporation, one of the largest Alaska Native regional corporations, is in full support of your introduction of a bill enabling the creation of a Federal/State/Alaska Native Commission.

We at Calista feel that such a commission will work to the benefit of the federal government, the State of Alaska and in particular the collective best interests of the Alaska Natives in general.

We understand that a hearing is scheduled on this proposed legislation on August 3, 1989. Calista will submit testimony in support of the bill.

Sincerely,

CALISTA CORPORATION

Johnny T. Hawk

Johnny T. Hawk
President & Chief Executive Officer

JTH:mg

cc: Senator Stevens
Senator Inouye

Calista Corporation

503 E. Sixth Avenue, Anchorage, Alaska 99501 (907) 279-5516 Facsimile (907) 272-5060

September 7, 1989

Senator Daniel Inouye
Select Committee on Indian Affairs
United States Senate
Washington, D.C.

Dear Senator Inouye:

Calista Corporation would like to express again its thanks for your interest in the future well-being of all Alaska Natives. In recent months, the U.S. Senate has been considering the passage of Senate Bill 1364 which Calista Corporation heartily supports and endorses. We believe that the establishment of a joint federal-state commission on Alaska Native Affairs will be extremely valuable in terms of examining the many social and economic problems now facing Alaska Natives.

In light of the fact that the passage of Senate Bill 1364 is fairly imminent, we would like to express some concerns we have regarding the establishment and appointment of members to the commission.

Over the years, we have found that the needs of the Calista Region and several other regions are often overlooked by special boards, commissions and committees and studies which are concerned with examining problems affecting Alaska Natives. The Calista Region is passed over for several reasons. First of all, the Calista Region is isolated and little data exists which documents the severity of the problems in the region. Unless an individual is familiar with the area, there is little reason to suspect that the Calista Region is so heavily afflicted with problems of unemployment, disease and extreme poverty. The vast size and extreme conditions make it difficult to assess the problems. As a result of the region's unique character, it is very easy to gloss over the region rather than thoroughly examine the lifestyle and character of the Yupik people.

The second reason the Calista Region is often neglected when studies are done or political appointments are made is that the culture of the Yupik people inhibits how the Yupik people participate in the political arena and planning process. Traditionally, the Yupik people are a quiet, soft-spoken people who do not like conflict, nor do they believe it is proper to bring attention to themselves. Consequently, they are wary of outsiders who come into the villages asking questions and they frown upon the competitiveness often associated with political appointments. It has been only in the last few years that a few people from the Calista Region have begun to participate in statewide politics and serve on statewide boards and committees.

The Calista Region undeniably has the most severe social and economic problems of any area in Alaska. Therefore, we feel it is imperative that the Joint Commission have at least one member from the Calista Region. Those who have lived in the harsh environment and substandard living conditions found throughout the Calista Region can truly understand the severity and breadth of the problems facing those Natives living in the Calista Region. Only an individual who has experienced and seen these conditions firsthand can bring the understanding and awareness necessary to identify and grapple with possible solutions to the problems facing the people in rural Alaska.

Since the passage of ANCSA, only a handful of individuals have represented Alaska Natives on various committees, boards, panels, etc. Although these individuals are knowledgeable and well-spoken, we do not feel they represent each region equally. It seems without fail that the attention, regardless of the issue or problem, focuses on areas of the state other than the Calista Region. The smaller regions or less successful regions such as the Calista Region always seem to get lost in the shuffle. Yet, there is an irony in this because about 25 percent of the State's Native population live in the Calista Region alone. Very seldom, if ever, does the region receive anything close to twenty-five percent of the funding to administer programs and services designed to benefit and enhance the well-being of Alaska Natives. Since the future well-being of the Yupik people is at stake, we implore that Congress ensure that the Yupik people are adequately represented when the Joint Commission is established.

If this commission is to be successful and accomplish the goals established by Congress and AFN, then it must have a broad spectrum with respect to representation. Representatives should first and foremost be from those areas of the state experiencing the greatest problems. In addition to these individuals, other commission members should be experts intimately familiar with the various problems facing Alaska Natives. These individuals should be familiar with the economic/unemployment problems, the health crisis, education, alcoholism, and the housing shortages facing Alaska Natives, just to name a few. Commission members must be knowledgeable about the crisis facing Alaska Natives if the Commission is to be credible and work. Only individuals intimately familiar and concerned with the issues and problems will have the knowledge necessary to make sound recommendations and establish priorities for Congress to act upon with respect to the problems facing Alaska's Native people.

Since you first came to Alaska in October, 1988, you have shown a caring and concern for the Yupik people which has been greatly appreciated by the people living in the Calista Region. We hope that once again, when making recommendations on the make-up and process for appointing Commission members you will give consideration to the Calista Region. We feel that if the Commission is to deal objectively and fairly with the people most heavily affected by the various problems plaguing Alaska Natives, then there must be some sort of mechanism for guaranteeing a wide range of personalities and expertise on the Commission.

Upon passage of Senate Bill 1364, Calista Corporation will gladly do whatever is necessary to assist in the timely appointment of the Commission members. We are committed to working with the Joint Commission and Congress to find realistic solutions to the problems now facing the people in the Calista Region.

In closing, we would like to thank the Select Committee of Indian Affairs for taking the time to hear the concerns of the Alaska Native people.

Sincerely,

CALISTA CORPORATION

Mike Neimeyer
Vice President
Land & Natural Resources

MN:slb

C.A.R.E.

CARE CRISIS LINE
P.O. BOX 3135
ANDERSON, ALASKA 99744

1989 AUG 21 PM 3 33
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Aug. 8, 1989

To Senator Frank Murkowski,

I'VE JUST COMPLETED READING THE ANF REPORT ON THE STATUS OF ALASKA NATIVES: A CALL TO ACTION (1989), PLUS THE AFN NEWSLETTER-JUNE ISSUE, AND THE AFN SPECIAL ISSUE NEWSLETTER.

MY LETTER IS IN SUPPORT OF THE JOINT COMMISSION.

Our community is involved with the Community-Based Suicide Prevention Program through the Dept. of Health and Social Services, Division of Mental Health and Developmental Disabilities.

The state project is a partnership effort with communities to prevent suicide and other forms of self-destructive behavior and to promote community and individual health. The program is designed around the findings and recommendations contained in the report to the Senate Special Committee on Suicide Prevention.

Each village/community addresses the problems unique to its own area. The programs developed by each community are varied. The C.A.R.E. Newsletter was started to help meet the need to network together on a state wide level. Monthly reports from the villages and communities involved in the State Partnership are addressed in the Newsletter.

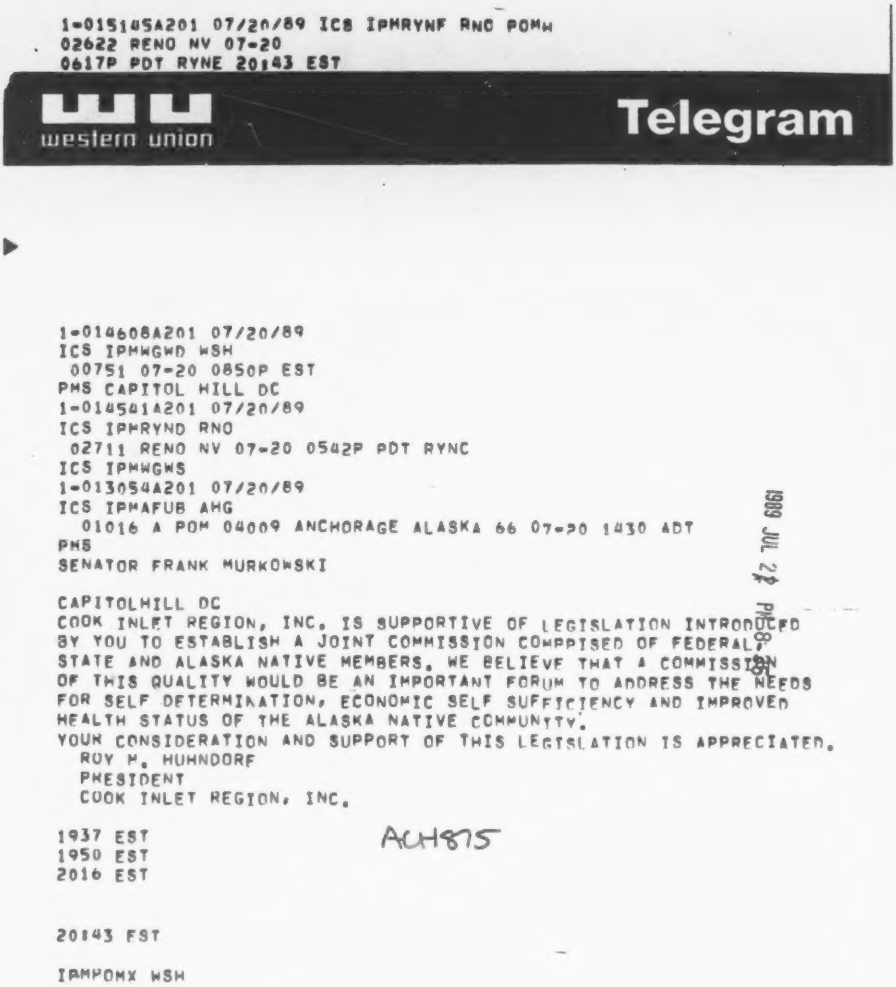
We would be delighted to add your name to our mailing list. This would give you up-todate first-hand information on concerns that face each village on the local level and how different programs are addressing these concerns.

I appreciate the opportunity to support what you and many others are doing to address the critical problems facing Alaska Natives today.

Sincerely,

ANV066

Darlene M Tuckey
C.A.R.E. - Director



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SENATOR FRANK MURKOWSKI

CAPITOLHILL DC

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COOK INLET REGION, INC. IS SUPPORTIVE OF LEGISLATION INTRODUCED BY YOU TO ESTABLISH A JOINT COMMISSION COMPRISED OF FEDERAL, STATE AND ALASKA NATIVE MEMBERS. WE BELIEVE THAT A COMMISSION OF THIS QUALITY WOULD BE AN IMPORTANT FORUM TO ADDRESS THE NEEDS FOR SELF DETERMINATION, ECONOMIC SELF SUFFICIENCY AND IMPROVED HEALTH STATUS OF THE ALASKA NATIVE COMMUNITY.
YOUR CONSIDERATION AND SUPPORT OF THIS LEGISLATION IS APPRECIATED.

ROY M. HUHNDORF
PRESIDENT
COOK INLET REGION, INC.

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eklutna INC.
550 W. 7th., SUITE 1550
ANCHORAGE, ALASKA 99501
(907) 276-8701

August 1, 1989

Senator Daniel K. Inouye
Chairman, Select Committee on Indian Affairs
United States Senate
Washington, D.C. 20510-6450

Dear Senator Inouye:

This is in response to the receipt of your letter regarding the introduction of Senate Bill S. 1364, establishing a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives.

The idea to establish a Commission to solve identified problems is a viable resolution that I certainly would support. Historically, commissions have served their purpose but with some foreboding from constituents. I am optimistic that not only will the Commission serve the intended purpose of identifying the issues at hand but ultimately consummating a purposeful conclusion.

EKLUTNA, INC. will continue to anticipate any further development on this Bill. It is with regret that we will be unable to attend the hearing, but I hope to hear from you soon concerning any developments regarding this Bill.

Thank you for your concern dealing with Alaska Native Issues and I appreciate the opportunity for input and testimony concerning Bill S.1364.

Sincerely,

EKLUTNA, INC.

A. Debbie Fullenwider

A. DEBBIE FULLENWIDER
PRESIDENT

ADF/dh

OFFICE OF THE PRESIDENT

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE

SENATOR TIM KELLY

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3822

P.O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 561-7612

July 31, 1989

The Honorable Senator Inouye, Chair
Select Committee on Indian Affairs
Washington, DC 20510-6450

Re: S. 1364, Establishing a Joint Federal-State Commission on Policies and Programs affecting Alaska Natives.

Dear Senator Inouye,

I personally support the enactment of S. 1364 and extend the endorsement of the Alaska State Senate. During the most recent session of the Alaska Legislature, the Senate unanimously passed Senate Joint Resolution No. 46 (attached). This resolution urged Congress to establish a Joint Commission on the Status of Alaska Natives for similar purposes as those embodied in S. 1364. The session ran out of time before the Alaska House of Representatives could bring this resolution to a floor vote, but I believe that that body would also endorse the purposes of your legislation.

In the last two decades the State has been diligent in its responsibilities and efforts to improve the lives and living conditions of people residing in rural Alaska. The establishment and financial support of locally controlled school systems and regional health and social service associations, the recognition of the importance of subsistence activities, and local empowerment to control the sale and consumption of alcoholic beverages are several of the areas of enduring concern and committment. In addition, there have been substantial funding committments to establish and improve water and sewer facilities, affordable energy systems, and vital transportation facilities.

Yet there is much that remains to be done. Indeed, recent studies portraying poor school performance, abnormally high rates of suicide, alcohol abuse and other forms of dysfunctional social behavior in Alaska are alarming. They invoke not only increased concern and attention, but also a need to assess the value of policy and programatic efforts to date.

A response to this need must necessarily involve the Federal and State governments acting in harmony. The joint commission structure is best suited to forging such a unified approach. Equally important to the value of any assessment is the presence and participation of rural Alaskans themselves on the commission.

I applaud Sen. Murkowski, Sen. Stevens, Sen. McCain and your efforts to enact S. 1364. It offers the best hope to initiate the most appropriate and effective solutions to an increasingly serious situation.

Sincerely,

Tim Kelly

TIM KELLY
President
Alaska State Senate

Attachment

Offered: 4/27/89
Referred: Rules

6-1294E

Original sponsors: Adams, Sturgulewski,
Binkley, et al.

IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

CS FOR SENATE JOINT RESOLUTION NO. 46 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

Supporting the establishment of a Joint Commission on the Status of Alaska Natives by Congress.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaska Natives were the first residents of the state and today represent a significant percentage of the residents of the state, particularly residents who live in rural villages; and

WHEREAS since 1867 Alaska Natives have had a special relationship with the federal government and since 1959 have had an important relationship with the state; and

WHEREAS in 1971 the state participated in the settlement of Native land claims and since that time has worked closely with the federal government and Native organizations to develop and implement federal and state policies intended to improve the health, social, and economic status of Alaska Natives; and

WHEREAS several recently published articles and reports have documented a growing social and economic crisis in the lives of many Alaska Natives, particularly Alaska Natives who live in rural villages, and presented disturbing statistics that attest to growing health and social problems, lack of economic opportunity, and widespread educational failure in the Native community; and

WHEREAS since 1969, when the Federal Field Committee for Development Planning issued its report "Alaska Natives and the Land," there has been no comprehensive review of federal and state policies and programs that affect Alaska Natives, their implementation, or the extent to which they have improved the health, social, and economic status of Alaska Natives; and

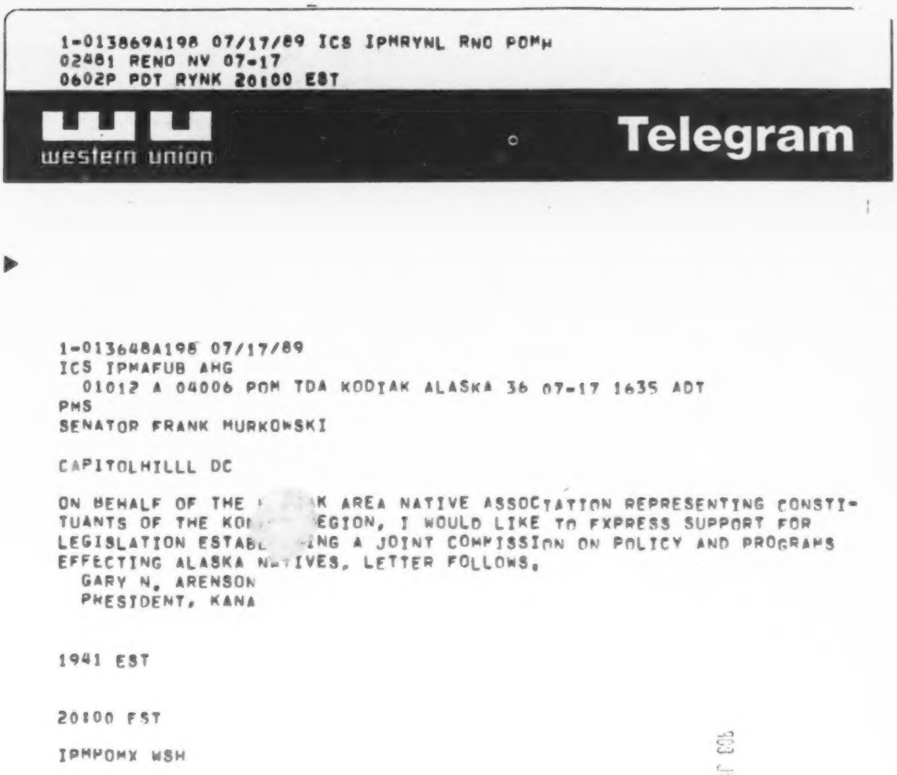
WHEREAS Alaska Natives have expressed to the Congress and the state a critical need to review the current status of Alaska Natives and to forge a renewed partnership among the federal and state governments and Alaska Natives, with the goal of providing new opportunities, making governmental programs more effective, and building a healthy, productive, and self-reliant rural Alaska; and

WHEREAS, in response to this expressed need, the United States Congress is considering the establishment of a Joint Commission on the Status of Alaska Natives, the membership of which will include federal and state officials and Alaska Natives; and

WHEREAS the purpose of the commission will be to conduct a comprehensive review of federal and state policies affecting Alaska Natives, the implementation of those policies, and the current health, social, and economic status of Alaska Natives;

BE IT RESOLVED that the Alaska State Legislature strongly supports the establishment of the Joint Commission on the Status of Alaska Natives by the Congress and commits the State of Alaska to actively participate on the commission and in its work.

COPIES of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; the Honorable Morris K. Udall, Chair, House Interior and Insular Affairs Committee; the Honorable J. Bennett Johnston, Chair, Senate Energy and Natural Resources Committee; the Honorable Daniel Inouye, Chair, Senate Select Committee on Indian Affairs; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.



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Telegram

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PMS
SENATOR FRANK MURKOWSKI

CAPITOLHILLL DC

ON BEHALF OF THE [illegible]AK AREA NATIVE ASSOCIATION REPRESENTING CONSTITUANTS OF THE KO[illegible]EGION, I WOULD LIKE TO EXPRESS SUPPORT FOR LEGISLATION ESTABL[illegible]ING A JOINT COMMISSION ON POLICY AND PROGRAMS EFFECTING ALASKA NATIVES. LETTER FOLLOWS.

  GARY N. ARENSON
  PRESIDENT, KANA

1941 EST

20:00 EST

IPMPOMX WSH

[illegible] JUL [illegible] 20

**Kodiak
Area
Native
Association**

402 Center Avenue
Kodiak, Alaska 99615
Phone (907) 486-5725

1989 JUL 31 AM 11:44

July 25, 1989

The Honorable Frank Murkowski
U.S. Senate
Washington, D.C. 20510

Dear Senator Murkowski:

Several days ago, I sent you a telegram generally endorsing the concept of a new Commission to review federal and state policies and programs affecting Alaska Natives. Since then, I have received a copy of S.1346 and have had a chance to review the Commission proposal in detail.

The Kodiak Area Native Association believes that a properly structured Commission would hold great promise for developing new initiatives responsive to the needs of Alaska Natives, initiatives which would facilitate improvement in their health, education, political status, economic status and a wide range of other areas. We, therefore, continue to support the concept of a Commission. However, KANA does not believe that such a Commission will be effective nor well received by the Alaska Native people themselves if the Alaska Native community does not have direct and equal representation on the Commission.

Were it not for the fact that the Commission intends to scrutinize the State of Alaska's programs, KANA would suggest that the State voting representatives on the Commission be replaced with seven Alaska Native representatives. This would duplicate the balance which existed on the American Indian Policy Review Commission, a Commission whose report was warmly endorsed both by Congress and Native Americans and which led to important new initiatives in the 1970's. If the federal government and State of Alaska are each to have 14 voting members on the Commission, we think it is absolutely essential that there be an additional 14 representative appointed by the Alaska Native community. If this produces a Commission that is too large, the numbers can be reduced to 5-5-10. To make federal or state policy regarding Alaska Natives without allowing Alaska Natives an equal voice is to invite disaster.

Serving the communities of: Akhiok • Karluk • Kodiak • Larsen Bay • Old Harbor • Ouzinkie • Port Lions

The Honorable Frank Murkowski
July 25, 1989
Page 2

As for the appointment process, we think the fairest process would be to have the twelve regional Alaska non-profits appoint the Alaska Native representatives. In this regard, we caution that we do not believe it sufficient for there to be a requirement that a certain number of presidential or governor appointees be Alaska Native. Alaska Natives themselves must choose their representatives. If they are not allowed to do so, they will lack confidence in the Commission.

We applaud your efforts to establish a Commission to address in new ways the extreme needs to Alaska Natives. A Joint Federal-State-Native Commission that is properly balanced, well funded, and expertly staffed may well be able to develop consensus positions that will be embraced in all three branches. If so, the groundwork will be set for substantially improving the status of Alaska Natives in the 1990's and beyond.

Although I will be unable to attend the August 3 hearing on S. 1346, I have asked our attorney, Lloyd B. Miller of the law firm Sonosky, Chambers, Sachse & Miller, to make arrangements to testify on our behalf. Aside from serving as KANA's attorney for many years, Mr. Miller also represents a number of other Alaska Native interests. Given his breadth of experience and representation, I specially request that the Committee allow Mr. Miller the opportunity to present our views in Washington.

Sincerely,

KODIAK AREA NATIVE ASSOCIATION

Gary N. Arenson
President

GNA:gb
cc: Lloyd B. Miller

Organized Village of Kwethluk
Kwethluk IRA Council
P. O. Box 84
Kwethluk, Alaska 99621

Resolution 89-08-02

WHEREAS, The Kwethluk IRA Council is a tribal government, organized under the provisions of the Indian Reorganization Act of 1934, as amended by the Acts of June 15, 1935 and May 1, 1936; and

WHEREAS, The Kwethluk IRA Council is the tribal governing body for the village of Kwethluk and does its business activities as the "Organized Village of Kwethluk", approved by the Assistant Secretary of the Interior Oscar L. Chapman in May 11, 1938 and ratified in January 11, 1940; and

WHEREAS, The Organized Village of Kwethluk can do all things for the common good for its tribal membership with the consent of the Kwethluk IRA Council and its voting tribal membership; and

WHEREAS, The Organized Village of Kwethluk finds that support of S.1364 - To establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives can be very beneficial to its membership if its findings and recommendations can be implemented successfully; and

THEREFORE BE IT RESOLVED that the Select Committee on Indian Affairs support the approval of the establishment of such a commission with appropriate funding to carry out its mission statement to benefit the Alaska Native population and its people; also

BE IT FURTHER RESOLVED that Congress of the United States of America does not use these findings, recommendations, etc., to abrograte its special relationship it has made with the Alaska Natives and their people,

Passed and approved by the Kwethluk IRA Council this 30th day of August, 1989.

ATTEST: Joseph Guy

Max Angellan, Tribal Administrator   Joseph Guy, President/Chairman

NORTHWEST ARCTIC BOROUGH
P.O. BOX 1110
KOTZEBUE, AK 99752
(907) 442-2500 / FAX 442-2930

[illegible] 11:47

August 3, 1989

The Honorable Daniel Inouye
Senate Select Committee on Indian Affairs
United States Senate
Washington D.C. 20510-6450

Dear Senator Inouye:

I would like to go on record as supporting S. 1364, a bill "To establish a Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives".

We are a local government representing eleven (11) communities in our jurisdiction located in northwestern Alaska. As a home-rule government formed under the laws of the State of Alaska, we have been in existence since June 2, 1986, and we see a need for this "commission" to legitimize and enhance our local efforts as well this statewide mission.

We are also a group of people who are indigenous (more than 90% Alaska Native) to the region and represent ourselves as American Indian/Alaska Natives subject to your deliberations and efforts to improve our social and economic conditions through appropriate legislation and actions of your esteemed colleagues in the U.S. Congress.

We find it necessary to support your efforts and that of the Alaska Federation of Natives, Inc. (AFN) on behalf the same people we serve. It goes without saying that this legislation is also entirely appropriate and supported by the Governor of the State of Alaska.

The proposed "commission" will allow us to be intimately involved with the process of a study and the recommendations that are derived from such an authority. It is also appropriate that this is to be a joint effort and thereby allow us to develop solutions where we work in the spirit of self-determination.

Ambler, Buckland, Candle, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak,
Noorvik, Selawik, Shungnak

The Honorable Daniel Inouye
Page Two

We support your legislation and urge its passage.

Respectfully submitted,

Chuck Greene
Mayor

cc: Janie Leask, Alaska Federation of Natives
Honorable Frank H. Murkowski, United States Senate
Honorable Ted Stevens, United States Senate
Honorable Donald E. Young, U.S. House of Representatives
Honorable Steve Cowper, Governor
Honorable Al Adams, Senator
Honorable Eileen MacLean, Representative
Assembly Members

NORTON SOUND
HEALTH CORPORATION

P.O. BOX 966
NOME, ALASKA 99762
(907) 443-3311

NORTON SOUND HEALTH CORPORATION
BOARD OF DIRECTORS

RESOLUTION 89-09

WHEREAS, the Norton Sound Health Corporation is the sole provider of comprehensive health care services to the Native people in the Bering Strait Region, and

WHEREAS, the Corporation has testified to Congress on the poor health and social status of Alaskan Native people compared to the majority of the Americans, and

WHEREAS, Senators Murkowski, Inouye, Stevens and McCain have introduced a bill to establish a Joint Federal-State Commission of Policies and Programs Affecting Alaska Natives (S.1364), and

WHEREAS, this Commission will conduct a comprehensive study of the social and economic status of Alaskan Natives and the effectiveness of those policies and programs of the Federal Government, and the State of Alaska, that affect Alaskan Natives, and

WHEREAS, this Commission will specifically address the needs of Alaska Natives for self-determination, economic self-sufficiency, improved levels of educational achievement, improved health status, and reduce incidence of social problems through public hearings and recommendations to Congress and to the State of Alaska, and

WHEREAS, the Norton Sound Health Corporation is committed to participate with this Commission to make every effort in developing those recommendations to help assure that Alaska Natives have opportunities comparable to other Americans, while respecting their unique traditions, cultures, and special status as Alaska Natives;

NOW THEREFORE LET IT BE RESOLVED THAT, the Norton Sound Health Corporation Board of Directors request your affirmative vote on Senate Bill 1364 establishing such a Commission, and

FURTHERMORE, the Norton Sound Health Corporation Board of Directors requests that appointments made by the President and the Governor of the State of Alaska are such that the majority of Commission members are Alaska Natives.

Adopted this 16th day of August, 1989 by the Norton Sound Health Corporation Board of Directors.

John Jemewouk
John Jemewouk, President
NSHC Board of Directors

Jane Perkins
Jane Perkins, Secretary
NSHC Board of Directors

"Serving the communities of: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, Koyuk, Nome, St. Michael, Savoonga, Shaktoolik, Shishmaref, Stebbins, Teller, Unalakleet, Wales, White Mountain."

Orutsararmuit Native Council
P.O. BOX 927 BETHEL, ALASKA 99559
(907) 543-2608

RESOLUTION 89-4

A Resolution supporting the establishment of a Joint Federal and State Commission on Policies and Programs Affecting Alaska Natives.

WHEREAS: Alaska Natives are eligible for and contract with the Bureau of Indian Affairs and other federal and state agencies for several types of services and:

WHEREAS: The Alaska Natives have a high need to improve the econmic development, improve educational opportunities, improve health care needs and other social services programs and:

WHEREAS: The programs, decreasing in levels of funding and with reporting requirements increasing, leads to limited access of services and creates hardship for Alaska Natives.

THEREFORE BE IT RESOLVED: That ONC strongly supports bill S 1364 that will create a joint commission on policies and programs affecting Alaska Natives.

Passed this 2nd day of August by poll vote 7 yes 0 no.

Thaddeus Tikiun Jr.
Chairman

Roy Hall

Roy Hall
Vice Chairman